

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

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|----------------------------|---|------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Criminal Action |
| |) | No. 13-10200-GAO |
| |) | |
| DZHOKHAR A. TSARNAEV, also |) | |
| known as Jahar Tsarni, |) | |
| |) | |
| Defendant. |) | |
| |) | |

BEFORE THE HONORABLE GEORGE A. O'TOOLE, JR.
UNITED STATES DISTRICT JUDGE

JURY TRIAL - DAY THIRTY-SEVEN
EXCERPT
TESTIMONY OF MATTHEW LEVITT, Ph.D.

John J. Moakley United States Courthouse
Courtroom No. 9
One Courthouse Way
Boston, Massachusetts 02210
Monday, March 23, 2015
12:19 p.m.

Marcia G. Patrisso, RMR, CRR
Official Court Reporter
John J. Moakley U.S. Courthouse
One Courthouse Way, Room 3510
Boston, Massachusetts 02210
(617) 737-8728

Mechanical Steno - Computer-Aided Transcript

1 APPEARANCES:

2 OFFICE OF THE UNITED STATES ATTORNEY

3 By: William D. Weinreb, Aloke Chakravarty and
4 Nadine Pellegrini, Assistant U.S. Attorneys
5 John Joseph Moakley Federal Courthouse
6 Suite 9200

7 Boston, Massachusetts 02210

8 - and -

9 UNITED STATES DEPARTMENT OF JUSTICE

10 By: Steven D. Mellin, Assistant U.S. Attorney
11 Capital Case Section

12 1331 F Street, N.W.

13 Washington, D.C. 20530

14 On Behalf of the Government

15 FEDERAL PUBLIC DEFENDER OFFICE

16 By: Miriam Conrad and William W. Fick,

17 Federal Public Defenders

18 51 Sleeper Street

19 Fifth Floor

20 Boston, Massachusetts 02210

21 - and -

22 CLARKE & RICE, APC

23 By: Judy Clarke, Esq.

24 1010 Second Avenue

25 Suite 1800

San Diego, California 92101

- and -

LAW OFFICE OF DAVID I. BRUCK

By: David I. Bruck, Esq.

220 Sydney Lewis Hall

Lexington, Virginia 24450

On Behalf of the Defendant

I N D E XDirect Cross Redirect Recross

WITNESSES FOR THE
GOVERNMENT:

MATTHEW LEVITT, Ph.D.

By Mr. Chakravarty

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E X H I B I T S

(There were no exhibits marked)

P R O C E E D I N G S

MR. CHAKRAVARTY: The government calls Dr. Matthew Levitt.

MATTHEW LEVITT, Ph.D., duly sworn

THE CLERK: State your name and then spell your last name for the record, keep your voice up and speak into the mic so everyone can hear you.

THE WITNESS: Dr. Matthew Levitt, M-A-T-T-H-E-W L-E V as in "Victor" I-T-T.

DIRECT EXAMINATION

BY MR. CHAKRAVARTY:

Q. Good afternoon.

A. Good afternoon. Is this okay?

Q. Yes, please. The microphone both amplifies as well as carries your voice into some other rooms.

Thank you for your patience.

Where are you currently employed?

A. I'm employed at a think tank called The Washington Institute for Near East Policy.

Q. And what do you do there?

A. I direct a program on counterterrorism and intelligence, and I'm a senior fellow there.

Q. How long have you been there?

A. On and off for several years. I've been there now since 2007. My first time there was 1998.

1 Q. And are you here to talk to the jury about geopolitics and
2 terrorism?

3 A. I am.

4 Q. What did you do before the Washington Institute?

5 A. Before The Washington Institute, I served as the Deputy
6 Assistant Secretary for Intelligence and Analysis of the U.S.
7 Department of Treasury.

8 Q. What does The Washington Institute do?

9 A. The Washington Institute is a non-partisan educational
10 think tank, an institute, focused on U.S. policy towards the
11 Middle East.

12 Q. Do you have a particular area of specialty?

13 A. My area of specialty is counterterrorism and intelligence.

14 Q. And what did you do at the Department of Treasury?

15 A. At the Department of Treasury, as the Deputy Assistant
16 Secretary for Intelligence and Analysis, I was the Deputy Chief
17 of the Treasury Department's intelligence branch. So it was a
18 kind of dual-hatted position. I was a member of the Senior
19 Executive Service within the Department of the Treasury and I
20 was also the deputy chief of one of the U.S. government's
21 intelligence agencies under the kind of rubric of the Office of
22 the Director of National Intelligence.

23 Q. So that's an arm of the intelligence community?

24 A. Yes.

25 Q. And before you were deputy assistant secretary, what did

1 you do?

2 A. Before that I was again with The Washington Institute
3 where I was a senior fellow in the terrorism program, directing
4 the terrorism program. And I was there for, at that time about
5 four years, until I went to the Treasury Department in 2005, I
6 think.

7 Q. So what did you do before that four-year stint at The
8 Washington Institute?

9 A. Before that I was a counterterrorism intelligence analyst
10 at the Federal Bureau of Investigation at headquarters in
11 Washington, D.C., in the International Terrorism Analysis Unit
12 focused on Middle East terrorist organizations' activities here
13 in the United States.

14 Q. Now, in addition to your work experience in this field,
15 have you had any education particularized with this field?

16 A. I have.

17 Q. Describe it, please?

18 A. I hold a Ph.D. in international relations from the
19 Fletcher School of Law and Diplomacy at Tufts here in Medford,
20 and a master's of law and diplomacy also from the Fletcher
21 School. My concentrations there were international security
22 studies, the Middle East and international conflict resolution,
23 and the Ph.D. was on the impact of terrorism on negotiations.
24 And before that I earned a bachelor's, a BA in political
25 science at Yeshiva University in New York City.

1 Q. Are you from this area originally?

2 A. I am.

3 Q. Your doctoral thesis, was it ultimately published in a
4 book?

5 A. It was.

6 Q. And what was the topic again?

7 A. "Negotiating Under Fire - Preserving Peace Talks in the
8 Face of Terror Attacks."

9 Q. So can you describe a little bit about how you crafted
10 that thesis?

11 A. Well, I spent a good chunk of time on the ground in
12 Israel, the West Bank and the Gaza Strip. It was a series of
13 case studies of terrorist attacks by Islamic extremists and
14 Jewish extremists both, and how those attacks undermined the
15 then nascent, the beginning of the Oslo peace process.

16 Q. So is that when you first started going about a particular
17 method in order to gather information about terrorism?

18 A. Yes. That was the first time I did excessive field
19 research. And that kind of primary field research is only one
20 part, but arguably the most important part of the kind of
21 research I do.

22 Q. When you went on to the FBI, the Treasury Department and
23 The Washington Institute, how did you continue to do your work
24 in the area of terrorism and geopolitics?

25 A. Well, it's different in each of those circumstances. You

1 can separate into the government service and the think tank
2 academic service when I was at the think tank or teaching at
3 the university. In government I did do some travel and I did
4 meet with others but it wasn't what I would call primary field
5 research, it was liaison, working with others, working on
6 similar issues. There is the element of exchanging ideas and
7 vetting ideas and information that is similar to primary field
8 research, but that wasn't really for research; that was for
9 case work.

10 Also in government you have ongoing education. And so I
11 took a long list of courses, some provided by the FBI, some
12 provided by other parts of the U.S. intelligence community on
13 counterterrorism, counterterrorism analysis and the like, which
14 were required in part for my advancement -- professional
15 advancement within government service, up the government GS
16 scale.

17 Q. Well, when you were deputy secretary it was no longer on
18 the GS scale. Is that fair to say?

19 A. Correct. By the time I was hired at the Treasury
20 Department that was above the GS scale and I was in the senior
21 executive service.

22 Q. In addition to your thesis which was later published, have
23 you written other books?

24 A. I have.

25 Q. Can you describe what they are?

1 A. I've written a book on Hamas which was published by Yale
2 University Press in 2006, and more recently I wrote a book on
3 Hezbollah published by Georgetown University Press here in the
4 United States and by Hurst Publishers in Europe, and now about
5 to be published by a third publisher in Spanish in Argentina;
6 and beyond those outside publications, a variety of monographs
7 published by The Washington Institute and others, peer-reviewed
8 journal articles, popular journal articles things like foreign
9 policy, foreign affairs, op-eds, policy briefs, et cetera.

10 Q. Is it fair to say you write a lot, is the axiom of publish
11 or perish? Is that true in your field as well?

12 A. I wouldn't say publish or perish, which is a term in
13 academia, but part of my job is to publish. And it's not that
14 I have to publish a certain amount of material or in a certain
15 number of places, but if you work in a think tank like the one
16 that I work in, you do it because you enjoy publishing and you
17 enjoy researching and sharing what you learn, and so I do
18 publish a lot.

19 Q. You mentioned that some of your articles appeared in
20 peer-reviewed publications. Can you explain what that means?

21 A. "Peer review" is an academic term in which an author
22 writes something and then it is reviewed by peers, other
23 experts in the field who are unknown to the author, and they
24 will be sought out by the publication or the publisher to make
25 sure that the work meets academic standards. And so the

1 university press books that I published by Yale and Georgetown
2 were certainly peer-reviewed, many of my articles are
3 peer-reviewed in that peer academic sense. And then almost
4 everything I write has some peer review for it but not all of
5 it has that kind of formal, anonymous peer review that many
6 journals and academic presses do.

7 Q. And have you also conducted peer review of others'
8 articles?

9 A. Yes, frequently. I'm often asked by university presses or
10 journals to do peer review -- anonymous peer review of the work
11 of others.

12 Q. Do you teach?

13 A. I don't right now but I have.

14 Q. Where have you taught?

15 A. I taught at Johns Hopkins University School of Advanced
16 International Studies; and also at the Zanvyl Krieger School
17 of -- graduate school; and I taught for several years as an
18 adjunct professor a variety of courses on counterterrorism.

19 Q. Do you engage in speaking engagements on your topic?

20 A. I do.

21 Q. And how frequently?

22 A. If you ask my wife, too frequently. Almost every week
23 there's several lectures.

24 Q. In fact, are you scheduled to go to one tomorrow or -- go
25 to one today for tomorrow?

1 A. I am.

2 Q. Where is that?

3 A. Berlin.

4 Q. How often do you do international lectures?

5 A. It varies but it can be frequently, so last week I gave
6 several lectures in Europe, this week I'm scheduled to give
7 several more in Europe. It can be abroad, it can be domestic.
8 Living in Washington, which is the heart of policymaking, many
9 of my lectures are domestic and don't require travel at all.

10 Q. Have you testified before Congress?

11 A. I have.

12 Q. About what?

13 A. International terrorism, illicit finance issues, sanctions
14 issues. Most of the testimony has been about various aspects
15 of international terrorism.

16 Q. Have you testified in other cases in court?

17 A. Sorry. I'm getting over a cold. I have.

18 Q. How often?

19 A. I've done it probably a few dozen times. Two or three
20 dozen times total.

21 Q. Were you qualified as what we call an expert witness in
22 those areas?

23 A. Every time.

24 Q. Has your work been cited by other courts?

25 A. I'm sorry. Can you --

1 Q. Has your work been cited by other courts?

2 A. It has.

3 Q. Can you name some?

4 A. Some of my work was cited by the Supreme Court in the
5 Humanitarian Law Project, a case which upheld the material
6 support statute. That's the most prominent that comes to mind.

7 Q. Have you received awards and recognitions for your work in
8 this field of terrorism geopolitics?

9 A. I have.

10 Q. Can you give a very brief overview?

11 A. I received numerous awards and commendations for my work
12 in government at the FBI, and things like the Exceptional
13 Service Award for my work at the Treasury Department. I've
14 received Speaker Specialist Awards by the State Department,
15 selected to be sent by the State Department to give lectures
16 abroad on behalf of the local U.S. embassy; selected by CNN as
17 an up and coming thinker. There are a host of others.

18 Q. Do you continue to consult with government agencies?

19 A. I do.

20 Q. And how about non-governmental agencies, or NGO's as we
21 call them?

22 A. Yes.

23 Q. And do you consult with media outlets?

24 A. Frequently.

25 Q. When you work on a criminal case, what do you do in those

1 cases?

2 A. I review the material that is provided, so the case
3 material, and I might put that in context, either historical
4 context or context of issues that come up in the context of
5 that case. Every case is different. Some cases require me to
6 review a tremendous amount of material specific to that case,
7 some very little.

8 Q. And have you worked as an expert witness in cases in other
9 countries as well?

10 A. I have.

11 Q. What other countries?

12 A. France, Scotland, twice in Denmark, and Canada.

13 Q. And for your role in this case, were you asked to write an
14 expert report?

15 A. I was.

16 Q. Okay. Can you describe what that is?

17 A. An expert report is the report of the hired expert
18 witness, in this case me, laying out the findings on the issues
19 that the -- in this case prosecution, although it would be the
20 same if I was called by defense, ask the expert to opine on.
21 That can be history as context, it can be terrorist trends as
22 context. And then it can also, of course, be analysis of some
23 of the material that was provided to me specific to the
24 material in this case.

25 Q. And have you testified in both civil cases as well as

1 criminal cases like this one?

2 A. I have.

3 Q. And did you do a report in this case?

4 A. I did.

5 Q. And what was the purpose of writing a report versus just
6 testifying?

7 A. It's for me to be able to kind of make sense of all the
8 material that's being provided to me and for me to be able to
9 provide context for the case for the lawyers who have hired me,
10 in this case the prosecution.

11 Q. Describe the methodology you use when you analyze evidence
12 for purposes of testimony to a jury.

13 A. I have to take the evidence at face value. I'm in no
14 position to be able to vet it, but I'm in a position to be able
15 to comment on it, put it into context -- the larger context of
16 other material like it that I've come across in my own
17 research, again, historical context, the context of different
18 themes, different trends, different modus operandi. Is this
19 something that is unique? Is this something that is common?
20 Does this make sense? Does it not make sense? Does it have
21 historical precedent? Who are key individuals who might have
22 come up in reference, key ideas that might have come up, terms
23 to help explain those for a jury that maybe doesn't spend all
24 of its time focused on these issues.

25 Q. And did you examine some of the evidence -- did the

1 government provide you with some of the evidence in this case
2 to ask you to do just that?

3 A. Yes.

4 MR. CHAKRAVARTY: Your Honor, at this point I would
5 ask that the Mr. --

6 THE COURT: Let me just see you at the side for a
7 minute.

8 (Discussion at sidebar and out of the hearing of the
9 jury:)

10 THE COURT: I don't know whether you need to renew it
11 to preserve it but I'll give you an opportunity to renew your
12 objection.

13 MR. BRUCK: Oh, thank you. I would just like to renew
14 the objection as made in a motion in limine that the Court
15 denied today, and that particularly goes to the background of
16 the various authors and figures, jihadi or radical Islamic
17 figures who are referenced in Dr. Levitt's report and I gather
18 are about to be referenced in his testimony. And the -- and we
19 have a continuing -- wish to have a continuing objection to the
20 biographies of those figures and to the people that
21 influenced -- there's a whole back story of each of these
22 individuals on the grounds that there has been and will be no
23 showing that the defendant was aware of any of them, and even
24 if he was, we think under 403, extraordinary prejudicial effect
25 of essentially putting in the history of Islamic terrorism in

1 the 21st century and burdening this defendant with everything
2 that has gone on since 9/11 and before and after is far -- the
3 prejudicial effects far outweighs its probative value. We also
4 think that it injects an arbitrary factor in violation of the
5 Eighth Amendment in a capital case, and for the rest of it I
6 would like to rest on our papers.

7 THE COURT: Okay. As I've indicated, I think the
8 testimony is admissible. I do think 403 is an important
9 consideration, and I trust the government won't step too far on
10 this, but it is relevant.

11 Let me also say for -- a different reason for calling
12 you over here, I've never been attracted by the idea of
13 declaring an expert to be an expert because it has always been
14 my view that it depends on what he gets asked. So I've done it
15 already on a couple of other experts because I just didn't want
16 to offer the resistance, but this guy may be different so I
17 will not give him blanket qualification. But I suspect within
18 the scope of things in his report, he is qualified to testify
19 as an expert.

20 MR. CHAKRAVARTY: Thank you.

21 MR. WEINREB: Your Honor, if I may clarify something,
22 I understand the Court's ruling is a denial of the defense
23 motion in limine that as a categorical matter everything should
24 be excluded on either 401 or 403 grounds, but I don't
25 understand the meaning of a continuing objection of relevance

1 on 403 grounds. I don't think that we should assume that every
2 single question has to be objected to --

3 THE COURT: No, I agree with that. I guess when I was
4 talking about a continuing, I was thinking of his
5 qualifications to testify under Rule 702. That was the context
6 of that. Other matters I think are more appropriate.

7 MR. BRUCK: So I will have to object each time he goes
8 into these back story details about -- I mean, we gave --

9 THE COURT: No, I don't -- I mean, to the extent he
10 wants to talk about a particular source of jihadi
11 encouragement, I don't think you have to object to each
12 question.

13 MR. WEINREB: Yeah, I guess the motion in limine
14 addresses categories of evidence. And the Court has denied it
15 and at the same time cautioned the government to be prudent in
16 its questioning. But the parties and the Court could all be of
17 different minds about what crosses the line into irrelevance of
18 403, and without an objection we're not going to have a ruling
19 and the defense will be in a position to say that there's no
20 plain error review here because it has a standing objection to
21 every single question being asked on relevance of 403 grounds.
22 That's just not appropriate.

23 The defense may wish that it didn't have to get up and
24 object to things, but that's the way trials work so the Court
25 can focus on a particular question. And whether it, in fact,

1 asks for irrelevant or unduly prejudicial evidence, there's no
2 way to make that ruling one way or the other with respect to an
3 entire line of questions.

4 THE COURT: Well, I think there are some categorical
5 qualities to what I meant by the ruling, which is he can
6 testify about the history of recent terrorist activity,
7 particularly the encouragement of jihadi actions by particular
8 prominent figures. I don't think every time a question gets
9 asked about al-Awlaki, that he has to stand up and object to
10 that.

11 MR. WEINREB: Well, I understand. So I understand
12 there's a continuing objection to certain categories of
13 evidence, but if it is the view of the defense that the
14 government has gone beyond what the Court has permitted, then I
15 think it needs to get up and object so the Court can decide if
16 it's on this side of the line or the far side of the line,
17 especially since many questions may be in a blurry area.

18 THE COURT: Okay.

19 MR. BRUCK: Well, it's going to become unwieldy. And
20 I don't know what the government intends to do, but his
21 report -- Dr. Levitt's report goes into areas like -- there's
22 al-Maqdisi. He's a Jordanian jihadi figure -- was the mentor
23 to al-Zarqawi, the head of al-Qaeda in Iraq. And of course
24 people will recall the American war to try to -- and they were
25 eventually successful in killing al-Zarqawi.

1 Now, you know, to our way of thinking, that way
2 crosses the line. It's -- that's the back story. Now, do
3 I -- you know, I feel like we should have a continuing
4 objection to things like that.

5 THE COURT: It's that kind of evidence. But I
6 think -- I guess understanding that I will permit it to some
7 degree, I guess the 403 objection has to be that you think it's
8 gone beyond the degree to which I will permit it. I don't know
9 how else to say it.

10 MR. BRUCK: I would just object. I would like the
11 record to reflect, if it may, when I make a 403 objection, I
12 intend that to include an Eighth Amendment constitutional and
13 due process constitutional objection, this being a death
14 penalty case especially. I mean, I could recite the entire
15 legal litany each time I get to my feet but I would rather just
16 have that be a shorthand for Fifth and Eighth Amendment and 403
17 when I say "403," if that satisfies the Court.

18 MR. WEINREB: That I think isn't problematic as long
19 as we have the objections and the rulings in real time so the
20 government can perhaps rephrase a question, ask a different
21 question --

22 THE COURT: Yeah.

23 MR. WEINREB: -- or knows that it's now going into an
24 area that the Court thinks has crossed the line; otherwise, we
25 have no idea. We could create an error without even knowing

1 it.

2 MR. BRUCK: One last thing. I trust your witness is
3 on a short leash about this and will not simply give -- in
4 response to a simple question about al-Maqdisi, will give the
5 entire back story without another question, because then it's
6 extremely hard to know where you're going.

7 MR. CHAKRAVARTY: We've been very sensitive to
8 Mr. Bruck's concerns from the motion in limine. I don't
9 anticipate there will be many back stories at all. Those back
10 stories that will be testified about are going to be relevant
11 to people like Awlaki, like Maqdisi, other people who are the
12 authors of the documents on his computer that further suggest
13 were both either accessed or otherwise relevant to his actions
14 that he later cited. There's going to be a lot of reading from
15 those documents and not a lot of -- you know, maybe a sentence
16 or two into background about those people.

17 MR. MELLIN: Your Honor, while we're here, may I
18 suggest that when we take the break for lunch, that everyone be
19 given a little bit of leeway to talk to this expert, if we get
20 a sense of -- 10 or 15 minutes, kind of where he -- how he's
21 handling the situation and how best to avoid these concerns?

22 THE COURT: Do you have a problem with that?

23 MR. BRUCK: Do you have a problem with my being
24 present for that?

25 MR. MELLIN: No.

1 MR. BRUCK: All right. Then let's do that.

2 MR. CHAKRAVARTY: Not for the admonishment, no.

3 THE COURT: I'm not sure that I understood what the
4 answer was. But, yes, to encourage him to stay focused on the
5 question and answer the question in a direct way, not expand.

6 (In open court:)

7 MR. CHAKRAVARTY: May I proceed, your Honor?

8 THE COURT: Yes, please.

9 BY MR. CHAKRAVARTY:

10 Q. Dr. Levitt, thank you for your patience again. We weren't
11 talking about you. Not the whole time.

12 A. That's a shame.

13 (Laughter.)

14 Q. Did you examine some evidence in this case before you
15 drafted your expert report?

16 A. I did.

17 Q. And before you prepared for your testimony today?

18 A. I did.

19 Q. And did we go through some of the scope of what I would be
20 asking you today?

21 A. Yes.

22 Q. And just to be clear as to what your qualifications are,
23 do you read or write Arabic?

24 A. I do not.

25 Q. And the materials that you reviewed, what language were

1 they in?

2 A. Most of the materials that I reviewed were in English.
3 There were a small number of materials that I reviewed for the
4 report that were in Arabic which I had to go through with
5 someone who could help me understand the Arabic. But the vast
6 majority of the materials were in English. There were some
7 materials in -- I think there was at least one other language
8 which I communicated back to you I couldn't review because I
9 didn't speak the language. It wasn't Arabic.

10 Q. And you haven't reviewed all of the evidence in this case.
11 Is that fair to say?

12 A. No, I have not.

13 Q. So specifically, did I provide you with evidence that I
14 told you was from the defendant's computer?

15 A. Yes.

16 Q. Now, Dr. Levitt, can you explain to the jury what the
17 global jihad movement is?

18 A. The global jihad movement is an idea. It's not a
19 movement, per se. It's not a group that has an office. It's
20 not led by a committee or an individual. It's the idea of
21 like-minded people who are pursuing in their mind this idea of
22 a global jihad, and it will include people from different parts
23 of the world who even disagree with one another on certain
24 precepts, theological ideas, tactical ideas. It will include
25 people who say that their implementation, their

1 operationalization of these ideas should be local, in their
2 home countries, and others will say, no, it should be done more
3 globally.

4 But the idea behind it that there is a need for a global
5 effort on behalf of Muslims to unite as a nation among the
6 Arabic, to defend itself, to do that through acts of violence,
7 this is something that has a continuum going back several
8 decades now through to today.

9 And there are things that have been constant in terms of
10 some of the core precepts, some of the key pieces of ideology,
11 some of the key ways that it manifests itself, and there are
12 things that have changed over time in terms of geographic
13 focus, in terms of emphasizing this ideological precept more
14 than that ideological precept.

15 So it is accurate to say that there is, especially in the
16 minds of its adherence, a global jihadi movement. You have
17 people who, whether they're talking to other human beings or
18 they're reading or hearing or watching this on various types of
19 media on their computer screens, feel that they are part of a
20 large, singular following, like-minded followers. But that
21 doesn't mean we're talking about an organization incorporated
22 or an office or anything like that.

23 Q. So do you have to be in a terrorist group to be part of
24 the global jihadi movement?

25 A. No, by definition you don't. It can and certainly does

1 include terrorist groups, and it can include individuals, what
2 we describe today as home-grown violent extremists or lone
3 offenders who will feel that they are part of something bigger
4 and will be acting in concert with and on behalf of something
5 bigger but don't have to sign up, don't carry a membership
6 card.

7 Once upon a time you really had to travel to meet with one
8 of these groups, to get trained by one of these groups, to meet
9 people. Nowadays the world is flat through social media. You
10 can get your indoctrination, you can get your motivation, you
11 can get your schooling and skill set just online and you don't
12 have to have traveled, or even necessarily communicated with
13 anybody, in order to be able to carry out an action that in
14 your own mind would be in concert with those other people.

15 Q. So what ties adherence to the global jihadi movement
16 together?

17 A. Ideas. Ideology both in terms of the things that motivate
18 them, the ideas that motivate them, the things in which -- for
19 which they think they're acting on behalf of, and then also
20 frequently the how; the what they do. So you don't have to
21 have met with an individual or belonged or signed up or pledged
22 an oath, a pledge of loyalty or allegiance, in order to believe
23 that there is a requirement to engage in militant jihad; that
24 the primary type of jihad is not what is usually called the
25 more important jihad, which is self-improvement, but rather,

1 the lesser jihad of militancy; that this is to be done on
2 behalf of this larger Muslim nation, the ummah; that one's
3 affiliation really is to that ummah and not to any -- this
4 Muslim nation, not to any local ethnicity, nationality
5 community; that there are rewards for engaging in this
6 behavior, rewards of a national level, this kind of altruistic
7 doing on behalf of others who can't, coming to the defense of
8 the people who can't defend themselves. And also, a more
9 selfish deliverance: Forgiveness of past sins, getting into
10 heaven. Not just heaven but the highest levels of heaven.

11 And so these types of ideas also remove disincentives. So
12 for most people the idea of killing innocents is forbidden, but
13 what if through this ideology it's no longer forbidden; in
14 fact, it's permitted. And what if it's no longer just
15 permitted but it's also praiseworthy. And what if it's not
16 only praiseworthy, but it's also a personal obligation upon you
17 if you want to be a good member of this community, this ummah,
18 if you want to be a good Muslim. So you've now gone the
19 spectrum, from killing innocents is not okay all the way to
20 this is something that's not only okay, it's not only
21 praiseworthy, this is something that is incumbent upon you.

22 And so these types of ideas have motivated a whole host of
23 different types of characters, from people who operate as
24 groups to people who coalesce together as networks that may
25 have some tangential connection to a group or may not, to

1 individuals, to lone offenders.

2 Q. So there are some concepts there that I just wanted to
3 have you explain a little bit to the jury. I think you started
4 to explain what jihad was. Are you a religious scholar?

5 A. I'm not.

6 Q. Okay. So what is the basis of your understanding of these
7 concepts?

8 A. Well, one of the things that I've developed expertise in
9 in the course of my studying terrorism studies is the concepts
10 in the process of radicalization. Arguably, one of the most
11 important issues we're dealing with today: How is it that
12 people are being radicalized around the world to want to go out
13 and carry out acts of terrorism in whatever venue that may be:
14 at home, today in Syria, whatever it is.

15 And within that area of study I've had to learn a lot of
16 different things, from things that relate to social work and
17 psychology, because one aspect that drives people is either
18 local grievances, particular circumstances to an individual,
19 anger over international grievances, foreign conflicts; but
20 then the other half of the equation is ideology. And the fact
21 is that Islam is not terrorism full stop, and the fact is that
22 all religions have the capability for extremism, but the fact
23 is that today the radicalization that we are seeing kind of as
24 almost a global insurgency is happening in the name of Islam;
25 not in the name of the Islam practice by the vast majority of

1 Muslims, but it's happening in the name of Islam, and the
2 twisting of certain Islamic concepts.

3 And so I've spent a tremendous amount of time studying
4 these to have a better understanding, not as a Muslim scholar
5 to be sure, but as a scholar of terrorism studies, how are
6 these being used and implemented to radicalize, motivate and
7 then operationalize, dispatch and send people to engage in
8 these types of acts of terrorism.

9 Q. So you explained that there was a kind of a greater jihad
10 and a lesser jihad. How do adherence to the global jihad
11 movement refer to jihad?

12 A. So the greater jihad is traditionally the jihad of one's
13 self, and that is self-improvement, becoming a better person,
14 and that can be as behaviorally, just being a better person,
15 being kind to one's neighbor and family, and also becoming a
16 more pious person, you know, giving more charity, making the
17 pilgrimage, et cetera. And these are praiseworthy.

18 The lesser jihad traditionally was militant, was a violent
19 jihad. And it can be done in a defensive manner and it can be
20 done in an offensive manner. The radicalizers within this
21 global jihadi movement over a period of decades -- and
22 different individuals have done it can differently, but one of
23 the common themes is their argument that, in fact, it is this
24 lesser jihad, the jihad of militancy, which is actually the
25 more important, the more religiously obligatory, the more

1 impactful; that if you do this, and you do this violent jihad
2 faithfully and with proper intent, not to enrich yourself or
3 not to become a famous person but for the right reasons, then
4 it can be even more powerful than someone who, say, was a pious
5 person all their life and prayed five times a day or
6 what-have-you, trying to promote this idea that violent jihad
7 is something primary, violent jihad is something core to the
8 practice of a good Muslim and that it is a personal obligation.

9 There's this idea within Islam of something that is the
10 obligation of a community, which means not every single
11 individual has to do it, and something that is a personal
12 obligation, that is the obligation of each individual. And the
13 jihadi ideologues go to great lengths to say that this militant
14 jihad, this is an obligation on the individual. So if you,
15 individual, want to be a good practicing Muslim, this is
16 something you need to do, and you can't shirk that
17 responsibility.

18 Q. You mentioned something called the ummah, U-M-M-A-H. What
19 is that?

20 A. The nation. The Muslim nation.

21 Q. Now, is there a relationship between the global jihad
22 movement and the United States of America?

23 A. Not a friendly one. So the United States has for many
24 years now been at the receiving end of much of the anger of a
25 global jihad movement and for a variety of reasons. Ideologues

1 within this milieu have described the United States as the
2 force backing regimes, in the Middle East in particular, that
3 were seen to be totalitarian, bad to their citizens, and
4 insufficiently Islamic. And that the way, for example, to
5 defeat Mubarak in Egypt back in the day, or others in other
6 Arab countries or Muslim countries, Muslim-majority countries,
7 would be not necessarily to try and take the fight to those
8 governments which were very heavy-handed, but to take the fight
9 to the United States, their backer. And if the United States
10 were to withdraw its backing for these countries, they would
11 fall like dominoes.

12 There's anger over the United States and its perceived
13 interventions against Muslims around the world in conflicts
14 around the world. So there will be anger about the United
15 States in Iraq, the United States in Bosnia, the United States
16 support for Israel in the context of Israeli-Palestinian
17 conflict, et cetera, and it comes down to a foundational idea
18 that there's a war between the Muslim ummah and the West with
19 the United States kind of leading the West.

20 THE COURT: Mr. Chakravarty, we're just about at one
21 o'clock. I think perhaps we'll take the lunch recess at this
22 point.

23 THE CLERK: All rise for the Court and the jury. The
24 Court will take the lunch recess.

25 (The Court and jury exit the courtroom and there is a

1 recess in the proceedings at 1:00 p.m.)

2 THE CLERK: All rise for the Court and the jury.

3 (The Court and jury enter the courtroom at 2:09 p.m.)

4 THE CLERK: Be seated.

5 THE COURT: Go ahead, Mr. Chakravarty.

6 BY MR. CHAKRAVARTY:

7 Q. Good afternoon, Dr. Levitt.

8 A. Good afternoon.

9 Q. Can you explain how the global jihad movement has evolved
10 over the last decade?

11 A. The global jihad movement has evolved over several
12 decades, but over the past decade in particular we've seen
13 really tectonic changes, that is to say, you know, about ten
14 years ago the biggest threat on the horizon was an organized
15 al-Qaeda. But with several years of international
16 counterterrorism efforts, al-Qaeda itself began to almost break
17 apart, and with the rise of social media and kind of the
18 flattening of the earth and the ability to communicate via
19 social media around the world you had two phenomena: The first
20 is the rise of al-Qaeda affiliates, both formal affiliates,
21 that is to say, recognized by al-Qaeda, and others, kind of
22 al-Qaeda want-to-be affiliates, groups that saw themselves like
23 al-Qaeda, aspired perhaps to maybe officially be part of
24 al-Qaeda, but whether they were officially or not were of that
25 same ilk in different regions.

1 The ones that were truly al-Qaeda franchises would have
2 their focus in a region. So, for example, al-Qaeda in the
3 Arabian Peninsula, in Saudi Arabia and Yemen; al-Qaeda in
4 Islamic Maghreb in North Africa; the Shabaab group in Somalia.
5 And they would certainly do things locally, but they would also
6 have interests in things international.

7 Other groups that were more aspired to be part of
8 al-Qaeda, some of which had asked to join but hadn't received a
9 response, others that hadn't even asked, they might be more
10 local in their activities than, say, the Sinai desert or other
11 places. With time, again, more crackdowns from --
12 counterterrorism crackdowns by the international community and
13 the rise of social media, what we found is a new phenomenon
14 that in some ways is more difficult to contend with. I won't
15 necessarily say more dangerous, because it's not quite as
16 capable to carry out kind of spectacular attacks, but much
17 harder to identify and stop, and that is the home-grown violent
18 extremists, HVE, or the lone wolf or lone offender, as I prefer
19 to call it. And this can be a lone individual or it can be a
20 lone small group of individuals.

21 These are much harder to stop -- identify and stop because
22 they don't necessarily engage in the types of activities that
23 set off the trip wires that security intelligence,
24 counterterrorism entities have placed to try and figure out
25 who's doing what; in particular, three: travel, communication

1 and moving and receiving money.

2 So if they're not setting off these trip wires, if they're
3 not going to bring themselves to the attention of law
4 enforcement by virtue of traveling to a place that terrorists
5 are known to go to, or communicating with people who are known
6 or suspected of engaging in terrorist activity, or sending
7 funds to or receiving funds from people who are known or
8 suspected of being involved in terrorist activity, they stay
9 under the radar and they're much harder to identify.

10 And many officials, both here in the United States and
11 abroad, have articulated this concern, of just how hard it is
12 to deal with these types of home-grown violent extremists.
13 They won't necessarily have the capabilities to do a
14 spectacular attack, but the expectation is -- and the President
15 himself said this -- that over time they're going to be more
16 frequent. And since terrorism at the end of the day is not
17 necessarily about killing the maximum amount of people,
18 wounding the maximum amount of people alone, it's also about
19 getting media attention, it's also about literally terrorizing
20 society, making people afraid, this can be a very, very
21 effective means of accomplishing that goal.

22 Q. And so in the last ten years, has this decentralized way
23 become the strategic choice of the global jihad movement?

24 A. So this decentralization is a fact of life, and it means
25 that it's not like the old school terrorism has gone away.

1 Al-Qaeda in the Arabian Peninsula, for example, has attempted
2 to carry out multiple attacks targeting the West over the past
3 few years. There are other al-Qaeda elements, one based out of
4 Syria today that we're very concerned, is plotting out of
5 Syria -- not attacks in Syria but attacks in the United States
6 and in Europe. That kind of organized al-Qaeda or al-Qaeda
7 franchise model still does exist. But on top of that, the much
8 more immediate threat and phenomenon that we're seeing more
9 frequently is this phenomenon of the home-grown violent
10 extremist, the individual or the small group.

11 Q. So is there a command and control relationship between the
12 individual, the small group and one of these terrorist
13 organizations?

14 A. There need not be, and in most of the cases we're seeing
15 today there isn't. Again, that doesn't mean that there can't
16 be. And over the past few years there have been some
17 instances, although at this point they're really more of the
18 exception, where there is I wouldn't say full command and
19 control, but interaction between senior, say, al-Qaeda or other
20 terrorist group leaders and operatives trying to do things
21 abroad.

22 Most of the plots we're seeing nowadays are not like that.
23 They do not have command and control. And in some cases there
24 is some communication, in many cases there is no communication,
25 and the -- as if command and control authority, say al-Qaeda,

1 will simply log the attack after it happens, this was people
2 following on our call to go do what has to be done. You don't
3 have to come to a foreign battlefield to do it. You're welcome
4 to if you want to, but you can also do it at home, especially
5 in the West. And that's become a major theme of radical
6 propaganda: Do it at home.

7 Q. And are the terrorist organizations that are part of the
8 global jihad movement, are they monolithic in the sense of
9 their encouragement of this type of activity?

10 A. They're not monolithic. They encourage this type of
11 activity. They also encourage people to travel to other
12 places. A common refrain is: Come here. But if you don't
13 come here, do something at home.

14 We discussed earlier this personal obligation, right? You
15 can't shirk this responsibility. If you still are intent on
16 living amongst unbelievers, then at least you've got to do what
17 you've got to do: terrorist attacks at home. They welcome you
18 to come and fight somewhere else too. And this is not only
19 al-Qaeda; now the so-called Islamic state or ISIS --

20 MR. BRUCK: I'd object to bringing in organizations
21 that have nothing to do with --

22 THE COURT: As a general background I think it's all
23 right. Go ahead.

24 BY MR. CHAKRAVARTY:

25 Q. You were talking about ISIS. That we've all heard of,

1 ISIS. How does that relate to the global jihad movement?

2 A. ISIS is the latest incarnation of this global jihad
3 movement, a group that in the region in the Middle East is
4 fighting with al-Qaeda and yet it won't be uncommon to see
5 people who have a primary affiliation with al-Qaeda and people
6 who have a primary affiliation with ISIS somewhere in diaspora
7 doing something together as we've seen in just the past few
8 weeks, in one instance.

9 ISIS, like al-Qaeda, has glossy magazines, and even better
10 than al-Qaeda very impressive online radical and radicalization
11 literature. And it too explicitly says: Come. But if you
12 don't come -- you don't have to come -- just do something back
13 home.

14 Q. So is there a common narrative to these global jihadi
15 groups?

16 A. Well, as we discussed before, there's plenty of things
17 that divide them on theological points, on points of strategy.
18 What should you do first? Should you target the near enemy;
19 say, for example, the government of Egypt first, or should you
20 target the far enemy, say the government of United States
21 first, or could they be done concurrently?

22 Where there is this commonality is in the motivational
23 ideology, the idea that there is a personal obligation upon
24 every good Muslim, every member of this ummah to this Muslim
25 nation to do their part for which they can be rewarded both

1 altruistically, that is to say, giving of themselves on behalf
2 of this ummah, defending those who are defenseless. And you
3 can do that -- you know, you can defend people in, you know,
4 some foreign conflict at home if you're in the United States by
5 targeting the United States, which is this head of the snake as
6 it were, but you also get this personal, if you will, selfish
7 individualized benefit which is absolution, deliverance, entry
8 into the highest levels of paradise.

9 Q. So is there a particular demographic or particular traits
10 of people that this narrative attempts to appeal to?

11 A. Well, as I said earlier, you know, Islam does not equal
12 terrorism full stop. I can't stress that enough. But this
13 particular set of radicalized ideologies is an extremist
14 variation of Islamic concepts. And so it is targeted towards
15 Muslim youth -- youth in particular. Not only Muslim but
16 particularly Muslim youth. Beyond that, you know, there is no
17 single profile. We have people who have been radicalized who
18 were experiencing poverty and lack of opportunity, and we've
19 had people who were very successful professionals, engineers,
20 doctors, you know, people who had money, people from the West,
21 people from the Middle East, people who seem to be quite well
22 integrated into their societies, people who are not at all well
23 integrated into their societies.

24 The bottom line is, the way I describe it is there are two
25 general baskets into which the issue sets fall, and it's like a

1 salad bar of options. If you go to the salad bar and I go to
2 the salad bar, we're going to, odds are, pick slightly
3 different salads. What makes you laugh and me laugh and you
4 cry and me cry is going to be slightly or very different.
5 We're all individuals.

6 It's the same for radicalization. There tends to be
7 something that provides a cognitive opening. Some combination
8 of local grievances can be -- I just had a case last week -- my
9 girlfriend dumped me; to feeling discrimination; to feeling
10 pulled by different types of identity crisis: Am I primarily,
11 saying this country, American? Am I primarily Muslim? Is my
12 primary national ethnic identity or national identity being an
13 American? Is it being part of the Muslim ummah? Do I belong?
14 Those types of local grievances.

15 I'd also include in that first box the international
16 grievances: concern about foreign conflicts, Palestine, Iraq,
17 Chechnya, this type of thing. Those types of issues create in
18 an individual a cognitive opening into which dangerous ideas
19 can then fill the gap.

20 So there's going to be some component of grievance,
21 there's going to be some component of ideology, and for every
22 single person the division of how much grievance and how much
23 of which grievance and how much ideology and what type of
24 ideology -- not only how much ideology, but how much exposure
25 to ideology, over how much time, over how many medium, by

1 individuals, not by individuals, online only, will be
2 different, and we've seen cases that can fit anywhere across
3 that spectrum.

4 Q. So are you talking about the process of radicalization?

5 A. Yes.

6 Q. What is radicalization?

7 A. Radicalization is the process by which an individual
8 adopts extremist or radical ideas and then possibly is
9 mobilized to operationalize, to do something about them. You
10 can, of course, have someone who adopts radical ideas and
11 doesn't act on them, right? And ideas, even radical ideas, are
12 protected in this country. So our concern is ultimately about
13 action.

14 Within the -- within the study of radicalization there are
15 two schools of thought, however. One says: Yes, ideas are
16 protected, but we have to be concerned or at least start being
17 concerned when people start digesting really radical ideas
18 which are about violence, whether or not they actually then
19 have or have yet acted on it, prefer that they might
20 potentially very quickly. And others say: No, dangerous ideas
21 are protected in this country and we're quite proud of that,
22 and so the only thing we're concerned about is action.

23 What's absolutely clear is that for an individual who has
24 gone through a process of radicalization and mobilization and
25 operationalize those and has carried out an act of violence,

1 that is, by definition, full-fledged radicalization. This is
2 not someone who maybe is contemplating radical ideas like you
3 might contemplate, you know, you might study fascist ideology
4 in college; this is someone who has then acted on them. And so
5 by then any definition of either of those two schools of
6 thought, this would obviously be a case of concern.

7 Q. And how does radicalization take place?

8 A. Yes.

9 (Laughter.)

10 A. There is no one model for how radicalization takes place.
11 Every single one of us is an individual. Our experiences are
12 different. What makes us happy and makes us angry is different
13 and, therefore, every single case of radicalization is going to
14 be at least a little bit different.

15 And you'll be able to find cases that are similar to one
16 another, and that may be interesting to look at, but at the end
17 of the day it's the combination of these two baskets:
18 grievances, local and international; and some type of ideology.

19 Now, mind you, of course, it doesn't have to be a
20 deviation of Islam. It doesn't have to be radical Islamist
21 ideology, right? We've seen a rise of white supremacist
22 activity in this country since we elected an African-American
23 president, right? But that combination of grievance and
24 ideology. Some thing, either someone or some -- now in the age
25 of social media and digital media, someone doesn't have to be

1 in person, but someone has to be able to kind of hold your hand
2 and pull you across that dividing line to the point where you
3 mobilize and actually do, operationalize, these ideas.

4 Q. When you say "someone," what do you mean?

5 A. There is a radicalizer in every case that we'll see. It
6 won't necessarily be someone with a clear-cut name. The
7 radicalizer can be the totality of things that someone has
8 heard and read and watched online; it could be exposure to
9 individuals; it could be long treatises; it could be
10 140-character tweets. In all likelihood, it will be some
11 combination of that and everything in between it.

12 Our concern is that, you know, unlike, say, ten years ago
13 or so when much of the material that was put out there online
14 were these mostly theological treatises written in language --
15 if it was written in English at all, and it wasn't particularly
16 accessible. Nowadays you have glossy magazines; Twitter
17 accounts; Facebook accounts; treatises; videos; chants,
18 nasheeds, which are like devotionals -- which can be devotional
19 in a purely, you know, religious way, but many radical Islamist
20 groups use them to -- in singing a song to some type of
21 percussion music promoting dangerous radical, explicitly
22 violent ideas -- all these types of media are accessible today
23 and it's removed barriers to entry.

24 You don't have to be able to become an Islamic
25 jurisprudent, you don't have to wade through really complicated

1 writings of people who are a whole lot older than you and whose
2 English maybe isn't so great. You can hear, you can read, you
3 can watch people who speak your language -- not just English
4 but American English; not just American English but colloquial
5 English -- and put things in terms that you use every day and
6 that removes barriers to entry.

7 Q. Is there a way to measure how radicalized somebody is?

8 A. Lots of people have tried. The simple answer is: Until
9 someone actually acts, there's complete room for debate, all
10 right? There's no quantifiable, this is a 3.2 radicalization.

11 MR. BRUCK: Your Honor, if you'd please, I'm going to
12 object to any further testimony along this line without a
13 showing of any scientific basis for measuring how radical
14 someone is whether they have acted or not. This is a *Daubert*
15 issue. We did not have notice of this.

16 MR. CHAKRAVARTY: I can move on, your Honor, but it's
17 a simple, you know, general question.

18 THE COURT: All right.

19 BY MR. CHAKRAVARTY:

20 Q. Does the length of time that someone consumes radical
21 material indicate how radicalized somebody is?

22 A. No. Again, we're all individuals. For some people, to
23 get radicalized you'd need to be exposed to material for a long
24 period of time; for other people it's very, very quick. The
25 problem that we have nowadays -- and this is something I

1 studied closely, especially over the past few months -- is that
2 the pace of radicalization is much, much faster, the time
3 period is much, much shorter over the past few years than we
4 have seen in the past.

5 Q. How about the nature and the volume of propaganda or other
6 materials that somebody amasses. Is that dispositive as to how
7 radical somebody might be?

8 A. Not necessarily, no. Again, it depends on the individual.
9 Some people would need to have a lot of material and be
10 reviewing it all the time and really, you know, immersing
11 themselves in it, some people, short-term immersion of just a
12 few particularly inspiring pieces of radicalization written,
13 audio, video will be enough.

14 Q. In the course of your study, have you found a way to
15 predict whether somebody was going to be a terrorist or not?

16 A. No, and I don't know anybody else who has.

17 Q. What are the channels through which this global jihadi
18 movement actually recruits people to engage in the activities
19 that you're talking about?

20 A. So there's a spectrum again. You know, back in the day it
21 was primarily by drawing people to terrorist training camps
22 around the world, and there are still people who will travel
23 either for training camps or for opportunity to fight in
24 foreign conflicts, but that is increasingly the exception.
25 Increasingly, it is reaching out to people, and not necessarily

1 to a particular individual, in kind of a direct communication,
2 through online social media communication: putting out there
3 these audio files, these video files, these documents
4 manifestos that people can access, you know, in their mama's
5 basement without having had to travel. And that is our
6 greatest concern right now.

7 Q. And how do they use the Internet to communicate this
8 information?

9 A. Well, they post things online. It can be radicalization
10 material; it can be, you know, if you want to contribute to the
11 cause in other ways, such as giving money, they can communicate
12 ways of giving money; they communicate if you want to -- if you
13 decide that you'd rather travel someplace, there's now
14 instructions on here's places you could go. Here's types of
15 things you should bring. Here's what you'll need to know if
16 you're going to go someplace. If you decide not to go, here's
17 what you could do.

18 So it's not just the question anymore about radicalizing
19 and mobilizing, inspiring someone with these radical ideas, now
20 it's also operationalizing them. Again, removing another level
21 of barrier to entry. This time not barrier to radicalization
22 but barrier to operationalization. And this has, therefore,
23 been described as "terrorism on the go," right?

24 So you want to know how to put together a bomb? You can
25 see that online. You want to know how to communicate securely?

1 There's stuff about that online. You want to know, on the
2 other hand, how to go and travel someplace and what to expect
3 when you get there and what types of things you should bring?
4 That's available too.

5 Q. Are there particular websites that these extremist groups
6 use?

7 A. There are a whole host of them. And some of them got
8 knocked down and they pop up elsewhere. The most common theme
9 about them is there are certain types of common radicalization
10 propaganda that they tend to put up on there; in particular
11 *Inspire* magazine which was published by al-Qaeda in the Arabian
12 Peninsula.

13 Q. Okay. We'll talk about that in a moment. I'm just going
14 to ask you about a few websites and ask if you're familiar with
15 these. Tibyan Publications?

16 A. Tibyan Publications, if I recall correctly, actually isn't
17 up anymore. But it was -- and its publications are still
18 available on other websites, mirror sites. But it was a
19 prominent jihadi kind of online publication house, if you will,
20 for a whole host of different types of al-Qaeda and other
21 publications.

22 Q. Kavkaz Center?

23 A. Kavkaz Center is a website that was affiliated with the
24 Chechen jihadi movement.

25 Q. Hunafa.info?

1 A. Also a website with jihadi information. And if I recall,
2 also about -- related to Chechnya.

3 Q. Ghuraba.info?

4 A. Ghuraba, the stranger. Again, another one of these
5 websites where you could access this type of material.

6 Q. And then there are -- a website, one called Memri,
7 M-E-M-R-I. Are you familiar with that?

8 A. Yes.

9 Q. And also Jihad Watch. Are you familiar with that?

10 A. Yes.

11 Q. What are those?

12 A. They're a host of websites that are maintained by people
13 who track radicalization and track extremism and terrorism.
14 There's a spectrum, thereto, from the left to the right, and
15 those are both examples of kind of anti-jihadi, anti-terrorism
16 websites that maintain a collection of this material for
17 scholars and counterterrorism people to be able to access
18 without accessing the jihadi websites themselves.

19 Q. Now, does this movement specifically message to people in
20 the United States?

21 A. It does.

22 Q. How does it do that?

23 A. Online.

24 Q. And what is that message?

25 A. The message is, again, as we've said, you can come here,

1 wherever the "here" may be in that particular case, but if you
2 don't, you should do what has to be done at home. And you can
3 do things at home. Take the fight to the enemy, the United
4 States, at home. In some cases it will be alternative
5 messages: If for some reason you think you absolutely can't,
6 then you should at least -- you know, be a fighter, you should
7 at least fund a fighter. The general theme is: This is a
8 personal obligation; you have to do at least what you can do.

9 Q. And what's the value proposition offered by their
10 narrative?

11 A. The value proposition, as we've discussed, is twofold: On
12 the one hand, it's selfless, right? Do on behalf of the
13 greater ummah, the greater nation. There are people who are
14 being oppressed by the United States and others; there are
15 people who can't -- who are defenseless, who can't defend
16 themselves. We need to defend them. You need to defend them.
17 You need to be one of these elite. This is a personal
18 obligation. And then you'll be rewarded for that.

19 There's also something that is a benefit to the
20 individual, you might describe it as the selfish or at least
21 the personal benefit, which is this absolution, this cleansing
22 of past deeds, and the ability, even if you weren't such a
23 great believer before -- which includes, by the way, being a
24 Muslim, just not a jihadi Muslim -- in these people's world
25 view, this can give you absolution.

1 So this is so much greater a service. This type of
2 violence is so much greater a religious service that it can
3 absolve even if you haven't been a good person at prayer or
4 going on the Hajj, the pilgrimage, or giving of charity, a
5 zakat, et cetera.

6 Q. You mentioned a moment ago *Inspire* magazine. What is
7 that?

8 A. *Inspire* magazine is a glossy English language magazine
9 produced by al-Qaeda in the Arabian Peninsula out of Yemen.
10 Its publication was a watershed, as I said earlier, because it
11 was written in American colloquial English. So it's so
12 accessible and understandable to Western, in particular
13 American, youth. Some of the authors were people who were born
14 or lived in the United States and could speak to their American
15 experiences to be able to make a connection with the reader.

16 It's a glossy magazine like a *Newsweek* or, you know, a
17 typical American magazine only it's not about, you know, the
18 current news around the world; it's about jihad, the need to do
19 jihad, to radicalize and mobilize people to jihad, and then
20 removing the last barrier, giving how-to instructions. So you
21 don't know how to build a bomb? Here's how you build a bomb.
22 Step-by-step instructions with pictures, very, very clear, not
23 unlike the kind of step-by-step instructions with pictures that
24 my kids use when they put together a Lego that I bought them.

25 Q. Who started this magazine?

1 A. So the key person behind it was Anwar al-Awlaki. Anwar
2 al-Awlaki was an American-born Islam imam, preacher, lived in
3 the southwest, lived at one point in Virginia, came up at one
4 point in the 9/11 investigation, and ultimately left the United
5 States and moved to Yemen.

6 By virtue of having lived here much of his life, he was
7 able to draw on those experiences, speaking American colloquial
8 English combined with his knowledge of radical Islamist
9 propaganda. And he was a gifted speaker, very calm, very
10 professorial, and was an extraordinarily effective radicalizer.

11 Q. What happened to him?

12 A. He was killed in a U.S. drone strike.

13 Q. Aside from *Inspire* magazine, what other types of media
14 information did Anwar Awlaki produce?

15 A. Aside from the video, the most famous are the audio. Some
16 are him over-speaking some of these nasheeds, these chants,
17 these devotionals, in this case not devotionals about kind of
18 mainstream religious ideas but violent ones, and also a whole
19 series of -- a lecture series.

20 He has two different types of lecture series: some that
21 are about the history of Islam, kind of Islam 101; the history
22 of the life of the prophet. It's called "The Life of the
23 Prophet Series," or another one is the "Hereafter Series." And
24 some of these earlier series are not jihadi at all; they are
25 introductions to Islam. And they were very, very popular among

1 people who were either Muslim but weren't particularly
2 practicing or among converts and potential converts. Again, a
3 gifted orator, a very kind of calm and steady tone.

4 But then he developed these explicitly violent jihadi
5 sermons. And authorities and fellow Muslim preachers both have
6 cited their concern about the continuum between these two sets
7 of lectures, that many people get hooked on the Awlaki lectures
8 that are just about the history of Islam and that don't call on
9 people to engage in violence, but they get hooked on them, this
10 guy's now effectively their kind of online teacher, and then
11 they follow him into his expressly violent, there's an
12 obligation upon you to engage in terrorism, violence lectures.
13 And there's tremendous concern, therefore, today even about
14 those earlier lecture series.

15 MR. CHAKRAVARTY: So if I may call up for the jury,
16 your Honor, 1143-71, which is in evidence. Page 1.

17 Q. Does this appear to be a translation of one of his
18 lectures?

19 A. Yes.

20 MR. CHAKRAVARTY: Go to page 2, please. I'm sorry.
21 Page 3, and page 4.

22 Q. And is this a picture of Mr. Awlaki?

23 A. It is.

24 Q. And it has a little biographic of him as well?

25 A. It does.

1 MR. CHAKRAVARTY: If you would go to page 8 quickly?

2 Q. Can you read the portion of this lecture that I just
3 highlighted?

4 A. "So let them spend their money as that's how they will be
5 defeated as Allah 'Azza wa Jall says they need to spend their
6 money first and then they will be defeated. So we should be
7 happy that they are spending their money to fight Islam as that
8 means that victory for Islam is soon; victory is on its way."

9 Q. What's the significance of that passage?

10 A. He's arguing that it's not just that the effective attacks
11 are in the actual explosions; let them spend their money on
12 trying to prevent us from carrying these out, and that too is a
13 means of being effective. They're spending their money to
14 fight Islam. In these radical interpretations of Islam,
15 there's supposed to be this penultimate battle where the West
16 tries to defeat Islam. That means that this ultimate victory
17 for Islam is coming, this process has begun, victory is on its
18 way.

19 MR. CHAKRAVARTY: Mr. Bruemmer, can I call up Exhibit
20 1280, which is also in evidence.

21 Q. Do you recognize this quote?

22 A. I do.

23 Q. And what is that?

24 A. "They will spend their money and they will regret it and
25 then they will be defeated."

1 Q. And is that a paraphrase of what we just read?

2 A. It is.

3 Q. Aside from Anwar Awlaki, are there other major figures in
4 the contemporary global jihad movement?

5 A. Many.

6 Q. Are there various al-Qaeda figures?

7 A. There are.

8 Q. Are you familiar with somebody named Abdullah Azzam?

9 A. I am.

10 Q. Who is he?

11 A. Abdullah Azzam is often referred to as the grandfather of
12 the modern-day jihad. He was a Palestinian who went to
13 Afghanistan and became one of the leaders of the jihad against
14 the Soviets in the 1980s. And one of his key partners there
15 was a guy who would later become very famous named Osama Bin
16 Laden. Azzam wrote a treatise, the most significant of which
17 was "Join the Caravan," that is to say, join the caravan of the
18 mujahidin, the jihad fighters. He later wrote that he had no
19 idea it would become as popular and influential as it did, but
20 it did, and it is often found among the radicalizing literature
21 of people radicalized to violence today and in the period since
22 then, in the 1980s. It's been often referred to as the key
23 manifesto, the go-to thing that people need to read to
24 understand the kind of history.

25 That was written, of course, in the context of come fight

1 the jihad against the Soviets here in Afghanistan, but what he
2 argues there is that there are many reasons why jihad is
3 obligatory and you need to do it, and it's something that's
4 incumbent upon you to do it. And those are critical concepts
5 for moving someone beyond traditional Islam to this radical
6 Islamist ideology that says that there is an obligation to
7 engage in jihad against the enemy.

8 Q. Now, people like Awlaki and some of the al-Qaeda figures,
9 did they refer back to these Azzam works?

10 A. Certainly.

11 Q. And did Azzam himself refer back to others who preceded
12 him?

13 A. Yes.

14 Q. Are you familiar with someone named Sayyid Qutb?

15 A. I am.

16 Q. Who is he?

17 A. Sayyid Qutb is a major figure in the Muslim brotherhood,
18 and his major contribution to the concept of jihad that we're
19 talking about was the idea that it's not sufficient to try and
20 work to bring Muslims back to the proper -- the proper carrying
21 out of their faith, the proper observance of their faith, and
22 only then to engage in jihad against the enemy; he felt that
23 the jihad against the enemy had to be uploaded, front-loaded,
24 and that by virtue of people participating in that jihad, they
25 would also become better Muslims.

1 Now, as we discussed earlier, there's many disagreements
2 within the kind of global jihadi movement ideological
3 waterfront. And many people in al-Qaeda would then say Qutb
4 didn't go far enough. There are many people who were Muslim
5 brotherhood who didn't subscribe all the way to al-Qaeda. But
6 those ideas of his were picked, maybe even cherry-picked, and
7 became key pillars of the writings of still more radical people
8 like Abdullah Azzam.

9 Q. Now moving from individuals to places, you talk a little
10 bit about what the geopolitical situation was in the Caucasus,
11 particularly in Chechnya, as it relates to this global jihad
12 movement in the last 20, 30 years?

13 A. When the Soviet Union fell, the Republic of Chechnya
14 rebelled. And there were two distinct wars in the 1990s.
15 Within these, there also grew a jihadi element. And Chechnya
16 became a prominent rallying cry for the jihadists. Not all of
17 this war was jihadi; there were Chechens who were rebelling
18 against the new Russia and they weren't jihadis.

19 But the jihadists used this as a platform. And many key
20 jihadists tried to go to Chechnya. Many did. Some current
21 al-Qaeda leaders tried to go and made it close but didn't get
22 all the way there, but the fact that they were trying to get
23 there shows how prominent it was at the time in the jihadi
24 landscape. And it has continued to be ever since one of many
25 foreign conflicts that jihadis have taken for themselves,

1 whether it was originally theirs or not, to use to radicalize
2 people. Look what the infidels, in this case the Russians, are
3 doing to Muslims, in this case in Chechnya.

4 Q. Are you familiar with Commander Ibn al-Khattab?

5 A. I am.

6 Q. And who is he?

7 A. Commander Khattab was a Jordanian -- some say Saudis, but
8 most likely Jordanian -- who became a very senior jihadi
9 commander in Chechnya. After he was killed, battalions were
10 named for him. There are Chechen battalions fighting in the
11 Syrian conflict now. I believe one is named for him. He
12 became a very prominent personality in the Chechen context, in
13 the Chechen jihadi context.

14 Q. Moving on to Syria, what's the role of the Syrian conflict
15 in this global jihadi movement?

16 A. Can't be overstated. We just marked four years since the
17 beginning of what, when it started, was a rebellion against the
18 rule of Bashar al-Assad. But as has been the case in Chechnya
19 and other place, jihadis use this opportunity to take a
20 rebellion and make it a jihad of their own, and it has become a
21 rallying cry around the world.

22 We talked earlier about the different types of
23 radicalization.

24 MR. BRUCK: I'm going to object to the whole
25 discussion of Syria that goes beyond the date of any of the

1 events alleged in the indictment.

2 THE COURT: Overruled.

3 THE WITNESS: Sticking even to the first two years of
4 the Syrian conflict two years ago, there's a whole host of
5 different things that drew jihadis to this conflict. Some were
6 drawn by jihadi ideology and wanted to go fight with the next
7 incarnation of al-Qaeda, and some were drawn to defend Muslims,
8 Sunni Muslims who were being butchered by the Assad regime.
9 Some of those people didn't go farther and stayed with what you
10 might call moderate, or non-Islamist, non-jihadi battalions.
11 Many did move to still more radical battalions.

12 Within the radical literature circulating in the home
13 of any person who has a computer, online Syria has become the
14 most powerful magnet drawing people to fight jihad. And not
15 just to fight in Syria, or now more recently in Iraq as well,
16 but again, as al-Qaeda in the Arabian Peninsula said even
17 earlier through its *Inspire* magazine, today groups like this
18 Islamic state which has a magazine called *Dabiq*, glossy,
19 English, very much like *Inspire* magazine, echoes *Inspire*'s
20 message saying: Come here if you want, but you don't have to.
21 And if you don't come here, take it to the infidels at home and
22 hit them at home.

23 BY MR. CHAKRAVARTY:

24 Q. Pakistan and Afghanistan: How do they relate to the
25 contemporary global jihad movement as of 2013?

1 A. After the war in Afghanistan -- well, first, the war in
2 Afghanistan after 9/11, and after years of fighting in
3 Afghanistan what was left of the al-Qaeda core and some
4 al-Qaeda affiliates was in that border area of
5 Afghanistan/Pakistan, and in some cases individuals or cells
6 elsewhere in large cities in Pakistan. And this was something
7 of the everyday news, of coalition forces continuing to fight
8 the remnants of al-Qaeda and the Taliban in Afghanistan and in
9 Pakistan, increasingly through the use of drones which has
10 become a very controversial tactic, which in and of itself
11 according to many scholars has attributed to radicalization.

12 Some drone strikes, I think it's hard to argue, have not
13 been effective; have been able to reach places you'd never be
14 able to reach on foot and removed some very dangerous people,
15 and some the exact opposite end of the spectrum, were complete
16 misses and killed innocents, which as you can imagine,
17 radicalizes people.

18 Q. Let's turn now to *Inspire* magazine in greater detail,
19 Dr. Levitt, if you will. Can you tell us the significance of
20 the first issue of *Inspire* magazine?

21 MR. CHAKRAVARTY: And I'll call up what's in evidence
22 as 1142-091.

23 A. So the release of the first issue of *Inspire* magazine, as
24 I said, was a watershed event. You'd be able to access this
25 through your computer. It's not for sale; it's for free. It's

1 popping up in mirror sites. It is in accessible American
2 colloquial English. It's glossy. It's got a table of
3 contents. It bulletizes in the front some of the key things to
4 look forward to in the edition, what page you can flip right
5 to. And it's extraordinarily accessible, and really for the
6 first time in this type of American English, doesn't stop at
7 you really should do stuff. It's incumbent upon you to do
8 stuff. It takes it to the next step: Here are ideas for what
9 you might want to do, and here's how you might go about doing
10 them, removing barriers and disincentives to entry.

11 So it's inspiration on the go, it's know-how on the go.
12 And what they're hoping for and unfortunately ultimately
13 succeeding, enabling terrorism on the go.

14 MR. CHAKRAVARTY: If we could go to page 2, please.

15 Q. Is this a letter to the editor?

16 A. Yes.

17 Q. And does this spell out what the purpose is of *Inspire*
18 magazine?

19 A. Yes, it explains the derivation of the name, why they use
20 the name "Inspire" and what they're trying to do.

21 MR. CHAKRAVARTY: Go to page 17, please.

22 Q. I'd ask you to read this and explain its significance. It
23 actually goes on to the next column.

24 A. So this is a series of questions. We're starting here
25 with Question 9. If memory serves, this is from an interview

1 with one of the leaders of al-Qaeda in the Arabian Peninsula,
2 and the editors of the magazine are asking this individual the
3 ninth question, Question 9: "In the end, what is your advice
4 to the Muslims in the West?" And the answer is: "My advice to
5 my Muslim brothers in the West is to acquire weapons and learn
6 methods of war. They are living in a place where they can
7 cause great harm to the enemy and where they can support the
8 messenger of Allah."

9 Q. And does it continue up here?

10 A. It does. "There is no meaning in life if the messenger of
11 Allah is cursed while they listen to and see such crimes being
12 committed in front of their eyes. It is not enough to defend
13 him, may my father and mother be sacrificed for him, to
14 participate in demonstrations and protests because these
15 methods would not stop the West, which is already used to them.
16 The successful means are through explosive devices and
17 sacrificing souls."

18 Q. And what is the speaker communicating here?

19 A. It's not enough to protest, it's not enough to write
20 letters to the editor. The West is used to this type of thing.
21 The way to truly defend the name of God and the name of the
22 Prophet Muhammad is through violence.

23 MR. CHAKRAVARTY: Page 31 and 32, if you could call
24 these up side by side.

25 Q. What is "Open Source Jihad"?

1 A. So "Open Source Jihad" is a section of the magazine that
2 appears in multiple editions. This is obviously the first
3 time; this is the first edition. It's a play on the idea of
4 open source intelligence, which is something that has been
5 widely reported in the media, about trying to leverage not just
6 classified information but information that is what -- when I
7 was in the intelligence community -- we would call the open
8 source, online or elsewhere. A play on that is "Open Source
9 Jihad."

10 So the idea is instead of having to go to some classified
11 place, some closed members-only chat room, instead of having to
12 go to some training camp where someone has to vouch for you and
13 you need to get there and pay for your travel and whatnot, here
14 is "Open Source Jihad" available to you, easily accessible on
15 the Internet. And in this first inaugural edition, it says in
16 this section: "Make a bomb in the Kitchen of Your Mom"; and
17 the second point, "How to use Asrar al-Mujahideen," which was
18 an al-Qaeda secure communication -- online communication
19 network.

20 MR. CHAKRAVARTY: If you would go to a single screen,
21 next page, 33.

22 Q. Are you familiar with this page?

23 A. I am.

24 Q. And is this the first page of that article on "Make a Bomb
25 in the Kitchen of Your Mom"?

1 A. It is. By what they describe as the al-Qaeda chef.

2 Q. So let me first start with the first paragraph. Would you
3 just read the white portion of that?

4 A. "Can I make an effective bomb that causes damage to the
5 enemy from ingredients available in any kitchen in the world?
6 The answer is yes. But before how, we ask why? It is because
7 Allah says." And then there's a quote.

8 Q. And is that a quote from a religious scripture?

9 A. It is.

10 Q. Can you read the next section?

11 A. "And it is also because every Muslim is required to defend
12 his religion and nation. The Jews and Christians have
13 dishonored the Muslims, desecrated our holy places and cursed
14 the beloved prophet. Today they are holding contests for the
15 best blasphemy of Muhammad.

16 "The western governments today are waging a relentless war
17 against Islam. They brought together a coalition and have the
18 support of their population in invading and destroying Muslim
19 land.

20 "But there is a small band of sincere Muslims who are
21 striking back at the enemy. The efforts of this small group of
22 mujahidin have had a great effect in hindering the plans of the
23 enemy. So now we have a balance of forces. As they kill
24 Muslims, Muslims respond by killing among them. This is the
25 effect of a small group of sincere mujahidin, so what would the

1 effect be if the Muslim ummah wakes up?"

2 Q. Pause there for a moment. What is mujahidin?

3 A. Jihad fighters.

4 Q. And the "ummah" is the same word you mentioned earlier for
5 Muslim nation?

6 A. So if a small number of fighters have had this much
7 success, imagine how much more success there would be if a much
8 larger grouping -- if the whole nation were to rise and engage
9 in this activity.

10 Q. Please continue.

11 A. "There are many Muslims who have the zeal to defend the
12 ummah, but their vision is unclear. They believe that in order
13 to defend the ummah, they need to travel and join the mujahidin
14 elsewhere and they must train in their camps. **But we tell the**
15 **Muslims in America and Europe** there is a better choice, an
16 easier one to give support to your ummah. That is individual
17 work inside the West such as the operations of Nidal Hassan and
18 Faisal Shahzad with a few 'failed' operations - as they claim.

19 "The Director of National Intelligence was forced to
20 resign. With a few more 'failed operations' we may have the
21 resignation of the President of the United States."

22 Q. Dr. Levitt, it sounds like there's a political dimension
23 to this exhortation. Is there?

24 A. Yes. In part, that's what makes it terrorism and not just
25 murder. Terrorism has to be by -- there are many definitions

1 of terrorism, but the basic commonality is targeting civilians
2 to achieve some type of political goal.

3 Q. At the bottom of this -- start here after this passage.
4 First it recites to another part of scripture, and then can you
5 read from where it says "the results"?

6 A. "The results of these trials would be the highest levels
7 of paradise, the pleasure of Allah, heaven in the hearts in
8 this world and eternal pleasure in the afterlife. My Muslim
9 brother, **we are conveying to you our military training right**
10 **into your kitchen to relieve you of the difficulty of traveling**
11 **to us.** If you are sincere in your intentions to serve the
12 religion of Allah, then all what you have to do is enter your
13 kitchen and make an explosive device that would damage the
14 enemy if you put your trust in Allah and then use this
15 explosive device properly. Here are the main qualities of this
16 bomb."

17 The following are four bullet points. The first bullet:
18 "Its ingredients are readily available"; second bullet:
19 "Buying these ingredients does not raise suspicion"; third
20 bullet: "It is easily disposed of if the enemy searches your
21 home. Sniffing dogs are not trained to recognize them as
22 bomb-making ingredients"; fourth bullet: "In one or two days
23 the bomb could be ready to kill at least ten people. In a
24 month, you may make a bigger and more lethal bomb that could
25 kill tens of people."

1 Q. Does the magazine then go on to explain how to build these
2 bombs?

3 A. It does.

4 MR. CHAKRAVARTY: Can we go to page 45 and 46 side by
5 side, please?

6 Q. What is this?

7 A. Pardon?

8 Q. What is this?

9 A. This is another section of this first edition of *Inspire*
10 called "What to Expect in Jihad - Part One."

11 Q. And does this explain the process of traveling overseas to
12 join a terrorist organization or a group that's fighting?

13 A. It describes the things that one needs to know in advance
14 to overcome potential barriers to entry. In fact, one of the
15 titles given in one of these is "cut out piece of paper" -- you
16 can see even here the kind of fine-tuned graphics, there's
17 language barrier. It's telling people you have to be prepared
18 to overcome the language barrier. If you can, bring a
19 companion. There will be downtime; it would be much better to
20 have someone with you. There's a cultural issue of blending
21 into the culture if you go fight in some foreign land. Don't
22 expect it to be America or the United Kingdom or wherever
23 you're from. What to bring, what not to bring, all sorts of
24 advice what to do and what not to do to make it easier for you
25 to make the decision to go and to then make it easier for you

1 to actually do it once you decide to go.

2 MR. CHAKRAVARTY: Can we have page 56, please? Can we
3 have 58 on the other screen? Thank you.

4 Q. What is this portion?

5 A. This is a message from Anwar Al-Awlaki, Sheikh Anwar, to
6 the American people and Muslims in the West.

7 Q. And is it an extensive speech explaining what he thinks is
8 the appropriate actions by Muslims in America?

9 A. In America in particular, but also more generally in the
10 West. In some points in here he speaks specifically to the
11 Muslims in the United States, and other times more generally to
12 Muslims wherever they may be in the West.

13 Q. Page 58, I'm highlighting just the last portion. Can you
14 read that?

15 A. "Hence, my advice to you is this: You have two choices:
16 Either hijra," which is immigration, "or jihad. You either
17 leave or you fight. You leave and live among Muslims or you
18 stay behind and fight with your hand, your wealth and your
19 word. I specifically invite the youth to either fight in the
20 West or join their brothers in the fronts of jihad:
21 Afghanistan, Iraq and Somalia. I invite them to join the new
22 front, Yemen, the base from which the great jihad of the
23 Arabian Peninsula will begin, the base from which the greatest
24 army of Islam will march forth."

25 Q. Is this concept of choosing either hijra or jihad one that

1 you've seen before?

2 A. Many times.

3 Q. Can you explain what hijra is?

4 A. It's migration, and it's following in the footsteps of the
5 Prophet Muhammad who in his day also made a migration. This
6 idea is to make a migration to places where there's a Muslim
7 majority; where you can live with fellow Muslims as opposed to
8 living in a place where you are a minority as a Muslim.

9 At least if you live among Muslims, it will be easier for
10 you to live as a Muslim, is the idea, plus on top of that, the
11 overlay from the radical jihadi perspective of being able to
12 fight in jihadi conflicts. And if you don't do that and if you
13 do decide to stay wherever you are in the diaspora, then as he
14 says, you either join us or you fight.

15 Q. Were there other copies of *Inspire* magazine that we sent
16 to you that were similar in terms of the types of exhortations
17 that the editors of the magazine were making?

18 A. Quite a few.

19 Q. I'm going to draw your attention now to Exhibit 1142-89.

20 Is this one of those issues? Excuse me. Yeah, 1142-89.

21 A. It is.

22 Q. And this is the spring of 2011 issue. Is that right?

23 A. Yes, the fifth issue.

24 Q. And was this a significant issue?

25 A. They're all significant. Yes, it was.

1 MR. CHAKRAVARTY: Can we go to page 8, please?

2 Q. Is there a portion that discusses the various reactions to
3 *Inspire* magazine?

4 A. Yes.

5 Q. And this one, can you read that?

6 A. "They're not looking to outdo the readership of the
7 *Economist* or *Time Magazine*, they only need to inspire one or
8 two people to blow something up in the right place and they'll
9 make back their start-up costs."

10 Q. Now, the highlighted passages were "inspire one or two
11 people" and "in the right place." Is that correct?

12 A. Correct.

13 MR. CHAKRAVARTY: Can we go to page 62 and 63 side by
14 side, please?

15 Q. And is this an interview of Anwar Awlaki as to "Why did I
16 choose al-Qaeda"?

17 A. Exactly.

18 Q. And does he say in Section 4 -- would you read that
19 passage except for the scripture?

20 A. "Because they are the strangers (al Ghuraba)" and then he
21 quotes scripture. After the scripture he continues,
22 "Thereupon, regarding this prophetic description for the people
23 of the truth about their status of estrangement, there is no
24 doubt that the one who lives in a state of fear about his soul
25 being taken for death as a result of this 'aqidah and jihad is

1 the one who lives in the status of being strange. He lives in
2 the state of estrangement because he is accused of having
3 deficiency in his 'aqidah," in his creed, in other words.

4 "This is not the case; rather, it is because he is steadfast
5 upon the truth in a time where the supporters have become less
6 in number. Indeed he is a stranger."

7 Q. And what does that mean?

8 A. Being a stranger is not just living in the diaspora, being
9 a stranger is living in a state of fear about whether or not
10 you're going to live or die, because there is something greater
11 in the afterlife.

12 Q. Are you familiar with a person named Abu Muhammad
13 al-Maqdisi?

14 A. I am.

15 Q. And who is he?

16 A. Al-Maqdisi is one of the most prominent Jordanian radical
17 Islamist preachers, been in and out of jail many, many times.
18 His materials are frequently included among the jihadi
19 materials on these various websites, and is a very well-known
20 and prominent jihadi ideologue.

21 Q. And did you read documents authored by him as part of the
22 materials that we sent?

23 A. I did.

24 MR. CHAKRAVARTY: Can we call up 1142-16, page 2?

25 Q. Is this one of those documents?

1 A. It is.

2 Q. And is this published by a Tibyan Publications, the
3 publication you mentioned earlier?

4 A. It is.

5 Q. Can you read the title?

6 A. "Precaution, Secrecy and Concealment: Balancing Between
7 Negligence and Paranoia."

8 Q. And what is the topic of this document?

9 A. Well, as the title suggests, it's about the need for
10 operational security and how this is not only permissible but
11 required for the Islamist fighter, the jihadi, and how on the
12 one hand you can go overboard; on the flip side, you can be
13 negligent, and either of those is dangerous. So he describes
14 in talking about something innocent with one of your
15 compatriots, you insist on talking in code thereto, you could
16 make the authorities think you're up to something dangerous and
17 bring law enforcement scrutiny to yourself that was
18 unnecessary. So you shouldn't be engaging in, you know, covert
19 code all the time. And yet, if you think that no one's ever
20 listening to you and you don't take security precautions, you
21 also open yourself up to potential law enforcement scrutiny.
22 And many of our operatives, he explains, have been thwarted
23 that way as well.

24 He, as an ideologue -- this is not just kind of as an
25 operator's incentive, he explains the ideological, theological

1 basis for this. This becomes now a matter of religion as well.

2 Q. Now, has this message of operational security been
3 simplified for easier consumption?

4 A. Absolutely.

5 MR. CHAKRAVARTY: If we could go to 1142-89, page 11.

6 Q. Would you read that? Should I open that up a little bit
7 more? Can you read that?

8 A. "We have noticed that the year 2010 alone saw the most
9 arrests in the West for home-grown jihadi operations. Most of
10 those arrested were arrested in groups, one connected to
11 another. Sometimes the enemy would even set up the brother in
12 a sting operation, fooling him into believing that he was
13 working with the mujahidin. Keeping that in mind, we have
14 witnessed that operations done by lone individuals has proven
15 to be much more successful.

16 "So what can we learn from this?" I think the last two
17 cutoff words are "group operations have a greater tendency of
18 failing than lone operations due to the idea (of the operation)
19 escaping the mind and tongue to other individuals. Even if
20 those individuals are trustworthy in your eyes, there is still
21 that 1 percent chance that someone from the intelligence
22 agencies are listening in and paying attention to your groups'
23 actions or that the person you are talking to might be working
24 for the enemy or that he might be pressured..."

25 MR. CHAKRAVARTY: Next page, please.

1 Q. Just to finish that thought.

2 A. "...at a later period to give information to them. With
3 lone operations, however, as long as you keep it to yourself,
4 nobody in the world would know what you're thinking and
5 planning."

6 MR. CHAKRAVARTY: Call up Exhibit 1142-15.

7 Q. Are you familiar with this document?

8 A. I am.

9 Q. And is this another Tibyan Publications document?

10 A. It is.

11 Q. And what was the substance of this document?

12 A. This, again, is another document putting the idea of jihad
13 in a religious context.

14 Q. "The effects of intention upon it." Did it say anything
15 about the type of intentions that bring the greatest rewards?

16 A. Well, this is the whole point, right, that to get rewards,
17 whether it's that selfless, what you're doing on behalf of the
18 ummah, or the benefits for one's self of entry into the highest
19 levels of paradise, these only come if they're done for true
20 intentions, right? So if you do it for monetary gain, you
21 don't get that reward. If you do it for personal glory, you
22 don't get that reward.

23 You have to do what you do for the right reasons, which
24 makes it in the eyes of these extremists not an act of
25 terrorism, not an act of killing civilians that is forbidden,

1 but an act -- a religious act of violence that is not only
2 permissible but praiseworthy, and not just praiseworthy, but a
3 personal obligation, but only if you do it for the right
4 reasons and the right intention.

5 Q. And what are the right reasons?

6 A. Service of God, defense of the ummah.

7 MR. CHAKRAVARTY: Would you go to 1142-36.

8 Q. Are you familiar with this document?

9 A. This is the Abdullah Azzam document, "Join the Caravan,"
10 that we mentioned earlier.

11 Q. Since we talked about it earlier, I won't go through it in
12 detail at this moment.

13 In addition to some of these documents, did you review
14 some of these audio files that you had discussed?

15 A. Too many.

16 Q. Were there a few short ones that you were able to both
17 listen to as well as see a transcript of?

18 A. Yes.

19 MR. CHAKRAVARTY: Just for the witness, your Honor,
20 Exhibit 1405A. Just the transcript.

21 Q. And is this three pages of transcript excerpts of three of
22 the audio files that we're going to listen to?

23 A. I have here in front of me one paragraph of one of them,
24 yes; and a second, yes; and a third.

25 Q. And do these transcripts fairly track the words of the

1 audio files that you listened to?

2 A. They do.

3 MR. CHAKRAVARTY: Your Honor, I would ask to publish
4 1405A as a chalk while we play three short audio clips.

5 MR. BRUCK: I'd like to note our previously made
6 objection.

7 THE COURT: All right. Subject to that, they'll be
8 played.

9 BY MR. CHAKRAVARTY:

10 Q. So if we could first play 1142-24 -- 124. Excuse me.

11 (Audio recording played.)

12 Q. Dr. Levitt, do you recognize the voice of the speaker in
13 that?

14 A. That was Sheikh Awlaki, Anwar al-Awlaki.

15 Q. And what's the significance of that passage that he
16 recited?

17 A. So this Battle of Uhud is one that he talks about a lot,
18 he has a lecture series on it, among other battles, the Battle
19 of Badr, for example. In this one, it's a theme we talked
20 about earlier, he's saying: Look, if you do this act of jihad
21 with true intention -- the individual is asked, "Did you come
22 to fight here for the sake of your people or for the sake of
23 God?" And he answers, "For the sake of God." And then later
24 on his deathbed he says the Shahadah, the statement of faith,
25 and dies and is given entry into the highest levels of paradise

1 even though he had not been a good Muslim until then. He had
2 not prayed, he had not fasted, et cetera.

3 And so there is this idea that engaging in an act of
4 jihadi violence for the right reasons and intentions is a
5 religious act, and not just a religious act. One that can be
6 more spiritually fulfilling than any other type of religious
7 observance.

8 MR. CHAKRAVARTY: Go to 1142-110 and page 2.

9 (Audio recording played.)

10 Q. Dr. Levitt, first, there's some references, again, is this
11 Mr. Awlaki?

12 A. This is Awlaki again, yes.

13 Q. And what's the significance of this?

14 A. Well, I think there are three things that are significant
15 here: The first is you can see how he's trying to convince
16 people that to be a good Muslim, you have to break with Western
17 ideas. I mean, the idea of a birthday. This is a bad thing,
18 whereas, of course, many, many, many Muslims celebrate
19 birthdays and there's absolutely nothing wrong with that. This
20 idea of breaking, having to be different and apart.

21 But more importantly it's two things: One, there's a
22 clock ticking. Don't waste a moment. Act now. It's: Don't
23 push off to tomorrow what you can do today, right? Death could
24 come tomorrow. You don't know what's going to be. We should
25 be not wasting a moment of our life, to try and do what has to

1 get done, whatever that may be, including this violent activity
2 that he talks about elsewhere.

3 Second is this idea of predestined time of death. And
4 that is to say, you know, this is not something to fear. This
5 is not something to be afraid of, as we read in an earlier
6 quote; this is something that's going to happen. The date, the
7 time, the how, this is all predetermined. It's not like if you
8 are more careful or less careful -- it is going to happen, so
9 you therefore have to take this time while you're here to do
10 the right thing. And you don't have to be afraid of death
11 because it's going to happen, it's preordained when, how, what.

12 And this again removes the disincentive. For many people
13 the idea of carrying out an operation in which they're not
14 going to survive is something that's difficult for them to wrap
15 their head around. This is one way that the radical
16 individuals -- again, let's not associate this with traditional
17 Islam -- try and overcome that dissidence.

18 Q. There are a couple of words that I don't think we talked
19 about yet here. Is "dunya" basically this mortal life that
20 we're talking about?

21 A. Yes, this world.

22 Q. And kuffar, or "kufar"?

23 A. The infidel, or non-believer.

24 Q. Now, in the background there's some chanting or singing.

25 Is that the nasheed that you described earlier?

1 A. It is. So here you have a kind of overlay of an al-Awlaki
2 sermon on top of the chanting of a nasheed.

3 Q. And in the earlier clip, which was entitled "The Man who
4 went to Jannah Without Praying," what is Jannah?

5 A. Paradise.

6 Q. I'll play one more short clip. I'm not going to go
7 through the whole thing but a portion of it, which is 1142-32
8 and page 3.

9 (Audio recording played.)

10 Q. Dr. Levitt, this was a considerably different tenor. Was
11 this Anwar Awlaki?

12 A. No, this is not Awlaki. This -- you can completely hear
13 the difference between the measured kind of professorial tone
14 of Awlaki and this shrill, very, very excited speaker here.
15 And this is obviously much more graphic in terms of trying to
16 portray Islam in this violent context.

17 Q. And audio files like these which are short clips of the
18 various different types, how are they used by the global jihadi
19 movement with regards to their messaging?

20 A. Short or longer, they're very, very popular because
21 they're relatively small files. They're meant to be downloaded
22 to players, and they are inspiration on the go. So you don't
23 need to be tethered to your home computer, you don't even need
24 to be carrying your laptop around. You can, you know, download
25 them to your MP3 player or to your car and you can listen to

1 them any time, as many times as you want.

2 Q. Dr. Levitt, I want to now turn to the final series of
3 questions that I'm going to have for you, and they relate to
4 Exhibits 826 through 828.

5 MR. CHAKRAVARTY: If you'd call that up on the left
6 side?

7 Q. Dr. Levitt, did you recognize those photos as being photos
8 of a writing that's of significance in this case?

9 A. Yes.

10 Q. And this transcript, is this a transcript of the writing?

11 A. It is.

12 Q. And have you had a chance to study that writing?

13 A. I have.

14 Q. Were you able to glean from just the four corners of the
15 writing itself who the audience is for this writing?

16 A. I think it's clear from the grammar that the audience is
17 kind of the American public. This is clearly not written for
18 fellow travelers, fellow jihadis; this is an attempt to explain
19 what's been done, and I think the grammar is quite clear there.

20 Q. As we read through, if you can point those out -- point
21 out those clues that give you that conclusion. We'll do that.
22 But before we start reading, have you seen the concepts in this
23 document before?

24 A. Yes.

25 Q. Where?

1 A. We've seen them in Awlaki's statements and writings and
2 other writings from the radicalizers that was among the
3 material that was provided to me to review in this case.

4 Q. The themes that weave throughout this writing, are they
5 common themes in the global jihad movement?

6 A. They are.

7 Q. Let's first start with the first sentence. Would you read
8 that, please?

9 A. "I'm jealous of my brother who ha..." and there's a bullet
10 hole. Presumably it's "...has received the reward of Jannutul
11 Firdaus, Insha'Allah..." which means the highest level of
12 paradise, God willing "...before me."

13 Q. To stop you there. Just some of the grammar.
14 "Insha'Allah" means "God willing"?

15 A. Yes.

16 Q. And "Jannutul Firdaus," that's the highest level of
17 paradise?

18 A. Yes.

19 Q. And is this a concept we've seen in some of the other
20 documents that you've reviewed?

21 A. It is.

22 MR. CHAKRAVARTY: Can we call up on the second page
23 1142-36, which is "Join the Caravan"? Can we go to page 17,
24 please?

25 Q. And can you read Section 8?

1 A. Section 8 the title is "Hoping for Martyrdom and the High
2 Station in Paradise."

3 "It has been reported in the authentic hadith narrated by
4 Imam Ahmad and Tirmidhi on the authority of Miqdam Ibn Ma that:
5 'The martyr has seven special favours from Allah: He is
6 forgiven with the first spurt of his blood, he sees his place
7 in Paradise, he is clothed with the garment of Faith, he is wed
8 with seventy-two wives from the beautiful Houris of Paradise,
9 he is saved from the punishment of the grave, and he is
10 protected from the Great Terror onQiyamah, on his head is
11 placed a crown of dignity, the jewel of which is better than
12 the world and all in it.'"

13 Q. Please continue.

14 A. Starting with the first full sentence: "He is granted
15 intercession for 70 people of his household."

16 Q. And then there is another reporting by a scholar and then
17 another piece of scripture?

18 A. Yes.

19 Q. And is this a common theme in some of the global jihadi
20 movement?

21 A. Yes.

22 Q. And were there numerous other references to Jannutul
23 Firdaus throughout the materials that you reviewed in this
24 case?

25 A. Yes.

1 Q. Read the next sentence of the writing in the boat.

2 A. "I do not mourn because his soul is very much alive. God
3 has a plan for each person. Mine was to hide in his boat and
4 shed some light on our actions. I ask Allah to make me a
5 shahied (IA)..." presumably Insha'Allah, God willing "...to
6 allow me to return to him and be among all the righteous people
7 in the highest levels of heaven."

8 Q. And, Dr. Levitt, you had pointed out that there's a line
9 where it says "God has a plan for each person. Mine was to
10 hide in the boat and shed some light on our actions." Have the
11 actions that are relevant in this case been suggested
12 throughout the media that you reviewed?

13 A. They have, and this is also one of those references that I
14 think makes clear that this note is intended to explain to a
15 broad public what was just going on, about what these actions
16 were about, "shed some light on our actions."

17 Q. This word "shahid," I don't know that you've explained
18 what that means. Would you mind?

19 A. Martyr. In this case, a martyr for God. To be killed in
20 the process of doing an act of jihad. It's not the only
21 definition of martyr, but in the radical jihadi context, that's
22 what it's referring to.

23 Q. And I asked you whether you saw these references in the
24 media that I sent you. What did I send you?

25 A. I'm sorry. Ask that again?

1 Q. Media. I didn't mean media as in news media. What did I
2 send to you that you reviewed, these materials?

3 A. In totality?

4 Q. The types of materials that I sent you.

5 A. The nasheeds, the -- some videos, the *Inspire* magazines.
6 The publications that we went through and a whole host of
7 others.

8 Q. I wanted to clarify it wasn't newspapers I sent to you.

9 A. No, this was jihadi media.

10 Q. Can you read the bottom of -- if you can make out on page
11 56 of this issue of *Inspire* magazine, can you read what I've
12 highlighted there?

13 A. "Another option for the individual jihad is the idea we
14 proposed in 'Make a Bomb in the Kitchen of Your Mom.' The
15 pressurized cooker should be placed in crowded areas and left
16 to blow up. More than one of these could be planted to explode
17 at the same time. However, keep in mind that the range of the
18 shrapnel in this operation is short range, so the pressurized
19 cooker or pipe should be packed close to the intended targets
20 and should not be concealed from them by barriers such as
21 walls."

22 Q. Were there other references to operational planning for
23 the types of actions in this case?

24 A. Yes.

25 Q. The next portion of this note, the writing, says -- asks

1 Allah to make the author a shahid and to return him to the
2 righteous people in the highest levels of heaven. What do the
3 "highest levels of heaven" mean?

4 A. This is the Jannutul Firdaus that we talked about. By
5 tradition, there are many levels of heaven and the differences
6 between them are significant. And this is the highest level of
7 heaven reserved for the prophets, the most pious and the
8 martyrs.

9 Q. Would you read the next line, please?

10 A. "He who Allah guides, no one can misguide."

11 Q. What does that mean?

12 A. That if you were doing something in the name of and in
13 defense of and for Allah, for God, you cannot be misguided.

14 Q. And the last phrase?

15 A. The letter A, then a bullet hole, bar exclamation point
16 which in all likelihood read "Allahu Akbar," praise to God,
17 praised is God -- God is great.

18 Q. And is that a common phrase in the materials that you
19 reviewed over the course of your experience as a terrorism
20 expert?

21 A. Yes.

22 Q. And what does that mean?

23 A. God is great. Again, it need not be jihadi; it can be
24 said in other contexts too. But in this context, this has a
25 jihadi connotation.

1 MR. CHAKRAVARTY: The next page, please.

2 Q. Please continue.

3 A. "I bear witness that there is no God but Allah and that
4 Muhammad is his messenger." There's a hole and then an R which
5 likely read "our actions came with a..." there's a bullet hole
6 and then the letter A, bullet hole, "ssage," "...came with a
7 message, and that is..." hole -- bullet hole, "...ha,"
8 Illallah.

9 Q. The last phrase, is that an Arabic phrase?

10 A. Yes.

11 Q. And is that frequently known as the "Shahadah"?

12 A. Yes.

13 Q. What is that?

14 A. It is a statement of faith. And again, nothing radical
15 about this, per se. This is the statement of faith of all
16 believing Muslims. But it is also traditional to state it at a
17 time of death on the deathbed. Again, harking back to the
18 Maqdisi document about intention, it's important before and
19 after an act in particular to state and restate one's true
20 intentions to be able to get that reward.

21 Q. The first portion of this sentence, "I bear witness that
22 there's no God but Allah and that Muhammad is his messenger,"
23 is that essentially the English translation of the first
24 portion of the Shahadah?

25 A. Yes.

1 Q. Let me show you Exhibit 1341. And this flag back here.
2 Do you recognize that?

3 A. I recognize it. As I stated earlier, I don't speak
4 Arabic, but I've seen this many times, and this is the Arabic
5 of the Shahadah; again, nothing inherently radical though many
6 jihadi groups have taken to putting the Shahadah in white
7 against the black backdrop as a symbol for them.

8 MR. BRUCK: I think that image is not currently in
9 evidence.

10 THE COURT: I thought it was. This was the one that
11 was talked about being redacted, at the bottom.

12 MS. CONRAD: It was redacted, your Honor.

13 MR. MELLIN: No, your Honor. The writing below it was
14 redacted; that image was entered.

15 THE COURT: Right. The picture was in.

16 MS. CONRAD: The whole thing was displayed, your
17 Honor, for the jury.

18 THE COURT: Yeah, but I don't think anyone could read
19 it. The document should be redacted, though. It didn't affect
20 anything that was shown to the witness.

21 BY MR. CHAKRAVARTY:

22 Q. We'll move on to the next sentence, Dr. Levitt.

23 A. "The U.S. government is killing our innocent civilians but
24 most of you already know that."

25 Q. And here it says "most of you already know that." What

1 significance do you attribute to that?

2 A. Again, the grammar, this is speaking to an American
3 audience, this is speaking to a Western audience. The author
4 is not associating himself with this audience, but it's "our,"
5 "your," us versus them, but I think this makes clear that this
6 is, again, as stated earlier in the message, in the statement,
7 trying to explain what just happened.

8 Q. Now, did you find references amongst the materials in the
9 *Inspire* magazine particularly that make reference to the same
10 concept?

11 A. Yes.

12 MR. CHAKRAVARTY: Go to 1142-89, page 57.

13 MR. BRUCK: I don't think that's the way it's supposed
14 to be displayed.

15 THE COURT: If you can take down the unredacted...

16 BY MR. CHAKRAVARTY:

17 Q. Can you read that, please?

18 A. "America is a terrorist state and Americans are complacent
19 in some of the worst forms of terrorism our Muslim nation has
20 been subjected to. Millions of Muslim lives has been lost to
21 American brutality. It is about time Muslims wake up and pay
22 back America what is due to it."

23 "In this section, the OSJ" -- so that's Open Source
24 Jihad -- "we give our readers suggestions often how to wage
25 their individual jihad. Here is one idea of how an individual

1 Muslim may do so. It is a simple idea and there is not much
2 involved in its preparation. All what is needed is the
3 willingness to give one's life for Allah."

4 Q. There are several other passages like this throughout the
5 *Inspire* magazines particularly that demonstrate enmity towards
6 America?

7 A. Yes.

8 MR. CHAKRAVARTY: Go back to the note, please.

9 And, Mr. Bruemmer, you can take that down.

10 Q. Can you please keep reading?

11 A. "As a M..." and then a bullet hole, presumably Muslim.
12 "As a Muslim I can't stand to see such evil go unpunished. We
13 Muslims are one body. You hurt one, you hurt us all. Well, at
14 least that's how Muhammad, peace be upon him, wanted it to
15 be..." bullet hole "...ever," presumably "however, the ummah is
16 beginning to rise..." presumably "awaken." There's a bullet
17 hole.

18 Q. And before we move on to the next page to finish that
19 clause, this notion of "we Muslims are one body," is that that
20 concept of ummah?

21 A. That and more, yes.

22 Q. When you say "more," what do you mean?

23 A. It's not just the idea of a single ummah, a single Muslim
24 nation, it's the idea that it is if you hurt one Muslim in any
25 part of the world, it's incumbent upon a Muslim -- it's a

1 personal obligation upon a practicing Muslim elsewhere in the
2 world to do something about it. It's not like if Muslims in
3 Chechnya or Palestine or Iraq are being hurt but you're being
4 treated well here in the United States, you're okay here. You
5 still need to do something because we are all one body. You
6 hurt one of us, you hurt all of us.

7 Q. And just before it says "I can't stand to see such evil go
8 unpunished," is punishing a theme throughout these materials?

9 A. Yes.

10 MR. CHAKRAVARTY: Can we go to 1142-79? Page 33,
11 please.

12 Q. And is this a statement by Anwar al-Awlaki?

13 A. Yes.

14 MR. CHAKRAVARTY: Page 34, please.

15 Q. Can you read that?

16 A. "The declaration goes on to claim that we may not
17 terrorize those who enjoy safety and security. To throw out
18 such a blanket statement that we are not allowed to terrorize
19 those who enjoy safety and security in light of the present
20 state of the world is another reckless statement. According to
21 these scholars, we the Muslims are not allowed to terrorize the
22 Israelis or the Americans or the British who are living in
23 safety and security while millions of Muslims are being
24 terrorized by them. We are told to never mind the insecurity
25 of the Palestinian or the Chechen or the Kashmiri. Never mind

1 them. We are simply not allowed to terrorize..."

2 MR. CHAKRAVARTY: Next page, please.

3 A. "...period. No. We do not agree with that. We do not
4 agree with that because Allah says" -- and then there's a quote
5 from the scripture. Would you like me to read it or not?

6 Q. No, thank you.

7 A. After the quote from the scripture it says, "We say that
8 whoever terrorizes us, we will terrorize them and we will do
9 what we can to strip them of their safety and security as long
10 as they do us the same."

11 Q. Were there other passages like this throughout the *Inspire*
12 magazine particularly?

13 A. Yes.

14 Q. The idea of Muslims are one body, you hurt one, you hurt
15 us all, was that evident in "Join the Caravan" as well?

16 A. Yes.

17 MR. CHAKRAVARTY: Go to 1142-36 at page 23.

18 Q. Can you read that?

19 A. Yeah, with difficulty. I'm not as young as I once was.

20 (Laughter.)

21 Q. How about if I read it and you tell me?

22 A. I got you.

23 Q. Okay.

24 A. I'm not willing to give in quite yet.

25 "The jurists have documented that the lands of the Muslims

1 are like a single land, so that whichever region of the
2 Muslims' territory is exposed to danger, it is necessary that
3 the whole body of the Islamic ummah rally together to protect
4 this organ which is exposed to the onslaught of the microbe.
5 What is the matter with the scholars, that they do not arouse
6 the youths for jihad, especially since arousal is compulsory."

7 Q. And is this that notion that if you hurt one, you hurt us
8 all?

9 A. That and the compulsory nature of this standing up and
10 defending the ummah.

11 Q. We'd finished this page, with "The ummah is beginning to
12 rise/awake."

13 MR. CHAKRAVARTY: Can we go to the next page?

14 Q. Please keep reading from the new portion.

15 A. "How Muhammad, peace be upon him, wanted it to be..."
16 bullet hole "...ever," presumably "however, the ummah is
17 beginning to rise awa..." bullet hole, presumably "awake, has
18 awoken the mujahidin. Know you are fighting men who look into
19 the barrel of your gun and see heaven. Now how can you compete
20 with that? We are promised victory and we will surely get it."

21 Q. And just before we move on, this idea of awakening the
22 mujahidin, is that a theme that you saw throughout the
23 materials?

24 A. It is.

25 MR. CHAKRAVARTY: Go to 1142-89, page 35.

1 Q. And read this portion. I'm sorry. Can you read this
2 portion?

3 A. "We must also awaken in the hearts of the ummah the spirit
4 of resistance and jihad; confrontation of aggression,
5 oppression and tyranny; firmness on the truth; and rejection of
6 the culture of concession and methodology of backtracking,
7 which has led some to abandon the government of the Sharia and
8 concede four-fifths of Palestine.

9 Q. Now going back to the note, the writing in the
10 boat -- sorry.

11 MR. CHAKRAVARTY: Mr. Bruemmer, can you go back to
12 page 3?

13 Q. The next phrase is, "Know you are fighting men who can
14 look into the barrel of your gun and see heaven." Are you
15 familiar with that concept?

16 A. I am.

17 Q. What is it?

18 A. Again, this is the idea of not fearing death, looking into
19 the barrel of the gun and seeing heaven, seeing the
20 opportunity. Again, presumably if having done for the right
21 reasons, being able to go to heaven, maybe even the highest
22 levels of heaven. It's articulating to this Western audience
23 that how can you compete with that? How can you fight people
24 who aren't afraid to die for their cause?

25 Q. Read the next line, please?

1 A. "We are promised victory and we will surely get it."

2 Q. Now, this concept of victory, an assured victory, is that
3 a theme throughout these materials?

4 A. It is.

5 MR. CHAKRAVARTY: Go to 1142-91, page 57.

6 Q. This is that first issue of *Inspire* magazine?

7 A. It is.

8 Q. Can you read that?

9 A. "It is true that we are facing the arsenal of the greatest
10 army on earth with our simple modest means, but victory is on
11 our side. Victory is on our side because there is a difference
12 between us and you. We are fighting for a noble cause. We are
13 fighting for God and you are..."

14 MR. CHAKRAVARTY: Next page, please.

15 A. "...fighting for worldly gain. We are fighting for
16 justice because we are defending ourselves and our families and
17 you are fighting for imperialistic goals. We are fighting for
18 truth and justice and you are fighting for oppression. You
19 have your B-52's, your Apaches, your Abrams and your cruise
20 missiles, and we have small arms and simple improvised
21 explosive devices, but we have men who are dedicated and
22 sincere, with hearts of lions."

23 MR. CHAKRAVARTY: Your Honor, I still have a little
24 bit more to go and it's four o'clock.

25 THE COURT: Let me see you at the side first.

1 (Discussion at sidebar and out of the hearing of the
2 jury:)

3 THE COURT: Is he staying?

4 MR. CHAKRAVARTY: Once we got to lunch we realized
5 he's not going to make it.

6 THE COURT: Okay. How much more?

7 MR. CHAKRAVARTY: Ten, 15 minutes.

8 THE COURT: How much time do you have?

9 MR. BRUCK: 10, 15 minutes. No more than a half hour.
10 I would hate to be overtime with an expert with a jury.

11 THE COURT: Fair enough.

12 (In open court:)

13 THE COURT: Okay. We will pause here. There is more
14 to go but we have reached the four o'clock hour. We'll
15 adjourn. Remember my instructions, obey them, and we will see
16 you tomorrow and finish with the testimony.

17 Enjoy the evening.

18 THE CLERK: All rise for the Court and the jury. The
19 Court will be in recess.

20 (The Court and jury exit the courtroom and the
21 proceedings adjourned at 4:00 p.m.)
22
23
24
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C E R T I F I C A T E

I, Marcia G. Patrisso, RMR, CRR, Official Reporter of the United States District Court, do hereby certify that the foregoing transcript constitutes, to the best of my skill and ability, a true and accurate transcription of my stenotype notes taken in the matter of Criminal Action No. 13-10200-GAO, United States of America v. Dzhokhar A. Tsarnaev.

/s/ Marcia G. Patrisso
MARCIA G. PATRISSE, RMR, CRR
Official Court Reporter

Date: 3/25/15